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ABSTRACT

This curriculum guide provides instructional materials for the private investigator phase of a private security training course of study. Five units cover the following topics: understanding responsibilities to clients; interpreting laws of private investigations; complying with the Fair Credit Reporting Act; conducting investigations and surveillance; and locating and communicating information. Each unit of instruction is composed of some or all of these components: objective sheet with introduction and unit and specific objectives; suggested activities with details for preparation, delivery, and evaluation; a list of references; information sheets; supplements with instructions that could be used for solving a problem or reinforcing the enrichment of learning; transparency masters; assignment sheets; assignment sheet answer keys; written tests; and test answer keys. (YLB)

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Private Security Training

Developed by
Oklahoma Department of Vocational and Technical Education
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under the direction of

Oklahoma Council on Law Enforcement Education and Training

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PRIVATE SECURITY TRAINING

Phase 3

TABLE OF CONTENTS

UNIT I	Understanding Responsibilities to Clients
UNIT II	Interpreting Laws of Private Investigations
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UNIT V	Locating and Communicating Information

FOREWORD

The *Oklahoma Security Guard and Private Investigator Act* was enacted by the Oklahoma legislature in 1987, and designed not only to regulate, but provide consistent training standards for the private security industry in the State of Oklahoma.

The Council on Law Enforcement Education and Training (CLEET), whose mandate is the education and training of peace officers in the State of Oklahoma, has been deemed the agency best suited to develop standards and oversee the training of the many security specialists in Oklahoma.

The Department of Public Safety, the Council, and the Oklahoma Department of Vocational and Technical Education, have worked closely with representatives of the security and private investigator industries to determine the training needs and develop a comprehensive training curriculum for security guards, armed security guards, and private investigators.

The educational institutions where this training will be conducted were selected for their ability to provide the instructors and facilities needed to accomplish these training objectives in a manner that will best benefit the private security industry.

Students who successfully complete the training program can take pride in knowing that they are now in the ranks of the best trained security officers and private investigators in the United States.

The future of the security industry rests on the education and training received today, and the professionalism demonstrated tomorrow.

We wish you the best of success in your future endeavors.

Johnny Dirck
Director
Council on Law Enforcement Education and Training

Roy Peters, Jr.
Director
Oklahoma Department of Vocational
and Technical Education

ACKNOWLEDGMENTS

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Other contributors to the development of these materials include Woody Bastemeyer, President, Western Investigations and Security Corporation; Cleo L. Fowler, business and private security consultant; Charles Davis; and Dudlee Linger.

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The text of Phase 4 resulted from a combined effort by many individuals, including Randy Jacoby, Glen McEntire, John Boren, Charles Brown, Chuck Day, and Timothy Brauer. Thank you for your input and direction!

The development of the final text for security guards could not have been completed without the support and assistance of Dr. Larry Ann Holley and Mr. Dick Schellin at Central Oklahoma Area Vocational-Technical School in Drumright. Thank you for your critical review!

Private Security Training could not have been prepared without the work of the Graphics Division, the Communication Center, and the Print Shop at the Oklahoma Department of Vocational and Technical Education in Stillwater. Special appreciation goes to everyone involved in preparing each unit of instruction for each training *Phase*.

I also want to thank Dr. Charles O. Hopkins, Assistant State Director; Greg Pierce, CIMC Coordinator; Sheila Stone, Coordinator of Curriculum Development; Vikki Dearing, Coordinator of Adult Training and Development; Jimmy F. Roblyer, Adult Training Specialist; Kristi Treadwell, Adult Training Specialist; and Keith Harp, Assistant Coordinator, Instructional Services at the Oklahoma Department of Vocational and Technical Education for their support, guidance and contributions!

Craig A. Maile,
Curriculum Specialist
Curriculum and Instructional Materials Center

USE OF THIS PUBLICATION

Objective Sheet (white pages)

Each unit of instruction is based on performance objectives. These objectives state the goals of the course, thus providing a sense of direction and accomplishment for the student. Performance objectives are stated in two forms: unit objectives, stating the subject matter to be covered in a unit of instruction; and specific objectives, stating the student performance necessary to reach the unit objective.

Because the objectives of the unit provide direction for the teaching-learning process, it is important for the instructor and students to have a common understanding of the intent of the objectives. A limited number of performance terms have been used in the objectives for this curriculum to assist in promoting the effectiveness of the communication among all individuals using the materials. Each student should have a copy of the objective sheet to refer to throughout the teaching/learning process. This will help answer any questions concerning performance requirements for each instructional unit.

The objectives can also help determine teaching strategies and instructional methods. Instructors should prepare for each unit by deciding how each objective can best be taught.

Suggested Activities (pink pages)

The suggested activities help instructors plan their presentation of the unit. Reading the suggested activities before teaching the unit allows time to obtain supplemental materials and audiovisuals and to contact outside resources. Instructor duties will vary according to the particular unit.

References listed are those used in the development of the unit. The instructor may use the references to supplement knowledge of the subject area or to guide students with particular interests or occupation objectives in the area covered. Suggested resources are also listed.

Information Sheets (green pages)

The information sheet provides "must know" content essential for meeting the objectives of the unit. The information sheet serves as an excellent guide for presenting background knowledge necessary for skill development. It also may be used for coordination activities and advisory committees.

The information sheet may include notes, cautions, or warnings. These should be discussed carefully and thoroughly. **NOTES** are short verbal additions to the information sheet or procedural outline that provide nice-to-know and decision-making information. A note may tell the student what to watch for or to consider at a given step. It may explain when a step may not be applicable. Notes offer guidance that may help the student understand the process and do it more efficiently. **Cautions** are advisories that tell the student how to avoid causing minor personal injury or equipment damage. **Warnings** are advisories that tell the student how to avoid serious personal injury or death to the student, persons in the workplace, or users of the project or the procedure.

Supplements (green pages)

Supplements include instructions that could be used for solving a problem or reinforcing the enrichment of learning. While supplements are not tested over directly, they may be used to assist in arriving at solutions using cognitive knowledge and higher-order thinking skills. They provide additional information for understanding the topic but may not have direct application to specific objectives.

Transparency Masters (white pages)

Transparency masters provide information in a special way. The students may see as well as hear the material being presented, thus reinforcing the learning process. Transparencies may present new information or they may reinforce information presented on the information sheets. They are particularly effective when identification is necessary.

Transparencies should be made and placed in the notebook where they will be immediately available for use. Transparencies direct the class's attention to the topic of discussion. They should be left on the screen only when topics shown are under discussion.

Assignment Sheets (tan pages)

The Assignment Sheets in Private Security Training are supplementary activities only. Students are not required to achieve a particular score on any Assignment Sheet in order to successfully complete any given unit. The Assignment Sheets are also not a part of the Written Test for any unit.

Assignment Sheets may be given to students for completion in class or for homework.

Written Tests (yellow pages)

The questions on the Written Test for each unit match the Specific Objectives on the Objective Sheet and cover the information presented in the Information Sheet. The questions on each Written Test are not multiple coice.

It is very important for instructors to note that students must complete each Written Test with a score of at least eighty-five percent (85%) in order to successfully complete each unit. In addition, students must successfully complete the licensing examination to be administered by CLEET.

The acceptable score on each Written Test, eighty-five percent, applies to the overall score and not to each individual question.

Scores Needed for 85%

Unit I	26 correct answers out of 31 possible
Unit II	26 correct answers out of 30 possible
Unit III	18 correct answers out of 21 possible
Unit IV	82 correct answers out of 97 possible
Unit V	47 correct answers out of 55 possible

NOTE: The scores needed for 85% are rounded to the nearest whole number.

Answers to Assignment Sheets and Written Tests (pink pages)

These components are designed to assist the instructor in evaluation of student performances.

CORRECTIONS AND SUGGESTIONS

The Curriculum and Instructional Materials Center (CIMC) wants to provide vocational instructors and students with materials that are accurate and effective. Although the CIMC strives to maintain the highest standards of development and production, oversights occasionally do occur. If you find any errors in this or other CIMC publications, or have suggestions for improving their usefulness in vocational programs, please notify the CIMC staff. One easy way of pointing out errors is to make a photocopy of the affected page and to indicate the correction on the copy. Mail this information to the CIMC, where it will be used to correct the publication before the materials are reprinted.

To ensure that the material is updated on a timely basis, notify the CIMC of necessary corrections as soon as possible after discovering the error. Do not assume that someone else will notice the error and inform the CIMC; other users may be making the same assumption. Please send corrections and suggestions for improving this publication to the following address:

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Oklahoma Department of Vocational and Technical Education
1500 West Seventh Avenue
Stillwater, Oklahoma 74074-4364

OBJECTIVE SHEET

UNDERSTANDING RESPONSIBILITIES TO CLIENTS

I

INTRODUCTION

Whether you work for a private investigations agency or operate your own business, your success will depend to a large extent on how well you interact with your clients. As the investigator, you have certain obligations and responsibilities to your clients, who depend on your abilities as a licensed private investigator to solve their problems and to do a good job. Because the field of private investigations is competitive, you must maintain your client's trust and patronage by recognizing and performing your responsibilities.

UNIT OBJECTIVE

After completing this unit, you should understand the kinds of responsibilities that private investigators have to their clients. This knowledge will be evidenced by scoring an eighty-five percent (85%) on the written test.

SPECIFIC OBJECTIVES

After completing this unit, you will be able to

1. Explain the role of client and investigator.
2. List topics requiring confidentiality.
3. State possible consequences of failing to maintain confidentiality.
4. Select from a list basic guidelines for maintaining the confidence of clients and others.
5. Explain the importance of reporting to clients.
6. Identify characteristics of good reports.
7. Match common types of reports with their descriptions.
8. State a rule for submitting reports to clients.
9. List the purposes of a written agreement between the private investigator and the client.
10. Select from a list basic responsibilities to clients.

SUGGESTED ACTIVITIES

UNDERSTANDING RESPONSIBILITIES TO CLIENTS

PREPARATION

1. Supplement this unit with additional resources.
2. Review the unit and plan your presentation.
   a. Estimate the amount of material that can be covered in each class session.
   b. Plan for appropriate Assignment Sheets.
   c. Identify objectives that you can supplement with other resources.
   d. Invite guest speakers in advance.
3. Design transparencies and handouts to reinforce the objectives in each unit, to provide additional information, or to facilitate in-class activities.
4. Make students aware of the licensing examination to be administered by CLEET. Refer to the *Oklahoma Private Security Rules and Regulations.*

DELIVERY

Objective 1

- Show TM 1.
- Discuss private investigation as a business. Private investigators must work to satisfy and maintain their clients as any other successful businessperson.
- Lead a group discussion about the role of the private investigator.

Objective 2

- Show TM 2.
- Describe scenarios where the private investigator maintains confidentiality and where the private investigator fails to maintain confidentiality. Discuss each scenario as a group.

Objective 3

- Show TM 3.
- Relate the possible consequences to the "violations and punishments" outlined in the *Oklahoma Security Guard and Private Investigator Act*. (Refer to TM 5 or to Unit I in Phase 1.)

Objective 4

- Show TM 4 and TM 5.
- Discuss the importance of each guideline.

Objective 5

- Emphasize that the private investigator's reports might be the basis for any further action on a case.

Objective 6

- Discuss the advantages of reports that have these characteristics.
- Ask students how they can satisfy each of the characteristics when writing reports.
- Create a good example and a poor example of a written report and ask students to critique the examples.

Objective 7

- Explain how the reporting requirements for different investigations could include elements of different types of reports.
- Review the guidelines for narrative reports in Unit IV in Phase 1.

Objective 8

- As a group, discuss the benefits of a standard format for reports.

Objective 9

- Show TM 6.
- List examples of items that could be included in a written agreement, including the importance of including those items in a written agreement.
- Give examples of the needs of the client and the investigator.
- Give examples of possible restraints on the private investigator's activities.

Objective 10

- Show TM 7.
- Ask for and list examples of other responsibilities to clients.
- Discuss how these responsibilities can affect the success or failure of the private investigator's business.

EVALUATION

- Give the Written Test soon after presenting the unit, but not earlier than the next class session.
- Remind students throughout your presentation that the questions and required performance on each Written Test match the Specific Objectives stated at the beginning of the unit and the objectives discussed in the unit.

  NOTE: Explain that the questions on the Written Test are not multiple-choice.

- Review individual and group performance in order to evaluate teaching methods. Adjust your approach as needed.

REFERENCES

No references.

UNDERSTANDING RESPONSIBILITIES TO CLIENTS

OBJECTIVE 1 **Explain the role of client and investigator.**

The relationship between you and your clients is one of *mutual benefit*. Your clients are your livelihood—without them, you would not have cases to investigate. Just as you depend upon your clients for their support, your clients depend upon your skills to solve their problems. Often, these problems cannot be solved without the specialized skills of a licensed private investigator.

IMPORTANT: Your own particular services are not indispensable. *Your profession is competitive,* and your current and potential clients have the choice of choosing the investigator or investigative agency that will best meet their needs and *provide a professional job*. In order to maintain your clients and attract others to *your* services, you must recognize and carry out your responsibilities to your clients every day.

OBJECTIVE 2 **List topics requiring confidentiality.**

Your activities — You should maintain confidentiality about your activities for any client.

Your client's role — You should maintain confidentiality about any client's role in an investigation.

Your sources of information — You should maintain confidentiality about any persons who provide you with information, such as contacts, informants, and others.

OBJECTIVE 3 **State possible consequences of failing to maintain confidentiality.**

Loss of Faith by your client in your professional judgment.

Damage to Your Client's Reputation or Business if you reveal your client's role or the details of your working relationship to unauthorized persons.

Damage to Your Professional Reputation and to your ability to serve present and future clients.

Loss of Assistance from contacts and other persons who provide you with information.

OBJECTIVE 4

Select from a list basic guidelines for maintaining the confidence of clients and others.

- Keep your client's role in your investigation confidential.

  NOTE: Unless you are otherwise directed by your client.

- Protect your sources of information.

  EXAMPLES: Contacts, informants, and data from your client.

- Return all documents of your investigation to your client.

  IMPORTANT: Let your client be responsible for protecting privileged information *after* your investigation is complete. If you keep records for your own files, be sure that they are secure. Do not allow the availability of your files to jeopardize your client's confidence.

- Release only that information that your client authorizes you to release.

  NOTE: In court, you may be required to disclose confidential information. However, you should not voluntarily reveal such information without your client's approval.

OBJECTIVE 5

Explain the importance of reporting to clients.

Your reports serve as a *record of your performance* and describe the *results of your investigation* for your client and others. Your reports should summarize your results, so that your client can take any further action necessary to solve the problem.

NOTE: Reports are "tools" that can help your client solve a problem. Your reports reflect your abilities and efforts.

OBJECTIVE 6

Identify characteristics of good reports.

- Detailed
- Documented
- Readable
- Usable

OBJECTIVE 7

Match common types of reports with their descriptions.

NOTE: In reporting to your client, you should submit reports at different stages during the course of your investigation. Some of these reports are detailed in later units of this training program.

Surveillance Reports — A report that presents *detailed information* about the results of your surveillance activities. The data in this report is *exact*, allowing you to account for every minute and every activity during your assignment. This report does not leave any aspect of your surveillance open to interpretation.

Background Investigations Report — A report that presents the relevant information concerning the character and reputation of the subject of your investigation, frequently used to determine the suitability of an applicant for employment.

Consumer and Investigative Consumer Reports — Reports that describe a subject's credit worthiness, credit standing or capacity, character, general reputation, personal characteristics, or mode of living. These reports are used as a factor in establishing the subject's eligibility for employment, insurance, credit, or for other purposes, and, in the case of the investigative consumer report, may also include information derived through personal interviews with friends, neighbors, or associates of the subject.

Time and Expense Reports — These reports provide a record of the necessary expenses involved in your investigation, and help your client account for the costs of your services.

NOTE: These reports should include EXACT figures, such as daily hours spent on the case (including overtime), mileage and travel time, and purchases, including any meal allowances and receipts for purchases that include the name and address of all merchants from whom you purchased items. This report should also account for any *missing* receipts.

Case Reports — A report that records your daily activities on any case, and that includes elements of the other types of reports. This report is a log of your work on an investigation as it progresses *each day*.

Preprinted, Narrative, or Combination Reports — These are not actually reports, but are FORMS that you can use to prepare your reports.

NOTE: See the unit in your Phase 1 manual called "Writing Reports."

OBJECTIVE 8

State a rule for submitting reports to clients.

RULE: You should adopt a standard format for each of your reports, and agree with your client on the number and type of reports that you must provide.

OBJECTIVE 9

List the purposes of a written agreement between the private investigator and the client.

IMPORTANT: As a private investigator, you are responsible for maintaining written agreements between your client and yourself. These agreements define your responsibilities as the investigator and outline your client's responsibilities. However, you should be careful that you do not unnecessarily restrict your options or those of your client by putting every detail in writing.

- Determine your client's needs.

- Define your needs to your client and any material and/or *financial support needed* from your client.

  EXAMPLE: Method and frequency of payment, deadlines, reporting requirements, time and expense requirements, and others.

- State the possible restraints on your investigation, including cost factors.

NOTE: These agreements can be part of a single document. Refer to the numbered facts about contracts, presented in Unit II, for more information.

OBJECTIVE 10

Select from a list basic responsibilities to clients.

- Follow all legal guidelines established through legislative procedure.

- Provide a professional job.

  NOTE: You cannot guarantee anything but a professional job. By performing a professional job, you will also enhance your reputation as a competent private investigator.

- Follow your client's employment regulations, if you conduct an internal investigation at your client's facility.

- Take the initiative within your agreed-upon tasks.

  NOTE: You may have to limit some investigations due to financial and time restraints.

- Be your client's agent.

  NOTE: Act as though your client's business were your own.

- Insist that your client file any charges, civil or criminal, resulting from your investigation.

  IMPORTANT: You should supply the information needed for your client's decisions. Your client is the victim and must make the decision to file any charges. This will help you protect your liability.

DEFINITIONS

Investigative Agency — A self-employed Private Investigator, a firm, a corporation or other private legal entity in the business of soliciting the business of private investigation and/or providing private investigations and investigators.

Private Investigator (unarmed) — A person who is self-employed, or contracts with, or is employed by an investigative agency for the purpose of conducting a private investigation and reporting the results to the employer or client of the employer relating to:

a. potential or pending litigation, civil or criminal

b. divorce or other domestic investigations

c. missing persons or property

d. other lawful investigations

NOTE: To be an Armed Private Investigator, you *must* be a licensed Private Investigator *and* complete the same training and testing requirements of the Armed Security Guard.

TM 1

TOPICS REQUIRING CONFIDENTIALITY

- Your activities
- Your client's role
- Your sources of information

TM 2

FAILING TO MAINTAIN CONFIDENTIALITY

- **Loss of faith** by your client in your professional judgment.
- **Damage to your client's reputation or business** if you reveal your client's role or the details of your working relationship to unauthorized persons.
- **Damage to your professional reputation** and to your ability to serve present and future clients.
- **Loss of assistance** from contacts and other persons who provide you with information.

TM 3

MAINTAINING THE CONFIDENCE OF CLIENTS AND OTHERS

- Keep your client's role in your investigation confidential.

  NOTE: Unless you are otherwise directed by your client.

- Protect your sources of information.

  EXAMPLE: Contacts, informants, data from your client, etc.

- Return all documents of your investigation to your client.

  IMPORTANT: Let your client be responsible for protecting privileged information after your investigation is complete. If you keep records for your own files, be sure that they are secure. Do not allow the availability of your files to jeopardize your client's confidence.

- Release only that information that your client authorizes you to release.

  NOTE: In court, you may be required to disclose confidential information. However, you should not voluntarily reveal such information without your client's approval.

TM 4

VIOLATIONS AND PUNISHMENTS RELATING TO THE OKLAHOMA SECURITY GUARD AND PRIVATE INVESTIGATOR ACT

A. Any person that is convicted of violating any provision of the Oklahoma Security Guard and Private Investigator Act or a rule or regulation adopted pursuant to the Act shall be guilty of a misdemeanor punishable by imprisonment for not more that sixty (60) days, or by a fine of not more than Two Thousand Dollars ($2,000.00), or by imprisonment and fine.

B. Any person who willfully makes a false statement, knowing the statement is false, in any application to the Council on Law Enforcement Education and Training, or who commits a fraud in connection with an application, will be guilty of a felony punishable by a prison term of not less than two (2) years nor more than five (5) years, by a fine of not more than Two Thousand Dollars ($2,000.00) or by both.

TM 5

VIOLATIONS AND PUNISHMENTS RELATING TO THE OKLAHOMA SECURITY GUARD AND PRIVATE INVESTIGATOR ACT

C. A Security Guard License, Armed Security Guard License, Private Investigator License, and any conditional license shall be subject to denial, suspension, or revocation by the Council on Law Enforcement Education and Training subject to the Administrative Procedures Act for, but not limited to, the following reasons by a preponderance of the evidence:

1. Any erroneous or false statements are made in a license application.
2. Failure to successfully complete any prescribed training course required by the Council.
3. Violation of a provision of the Oklahoma Security Guard and Private Investigator Act or regulation promulgated pursuant to the Act.
4. A conviction of larceny, theft, embezzlement, false pretense, fraud, an offense involving moral turpitude, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, or a felony.
5. Use of beverages containing alcohol while armed with a firearm.

TM 5

VIOLATIONS AND PUNISHMENTS RELATING TO THE OKLAHOMA SECURITY GUARD AND PRIVATE INVESTIGATOR ACT

6. Knowingly impersonating a law enforcement officer.

7. Effective on or after July 1, 1988, all persons and agencies newly licensed pursuant to Section 1750.1 et seq. of Title 59, or who renew an existing license, shall obtain and maintain liability coverage in accordance with the following minimum standards: (a) General liability insurance coverage for bodily injury, personal injury and property damage, with endorsements for personal injury including false arrest, libel, slander and invasion of privacy, and endorsements for damage to property in their care, custody or control; (b) A surety bond that allows persons to recover for actionable injuries, loss or damage as a result of the willful, or wrongful acts or omissions of the principal and protects this state, its agents officers and employees from judgments against the principal or insured licensee, and is further conditioned upon the faithful and honest conduct of the principal's business; (c) Liability coverages and bonds shall be in the minimum amounts of One Hundred Thousand Dollars ($100,000.00) for agencies, Ten Thousand Dollars ($10,000.00) for armed security guards and Five Thousand Dollars ($5,000.00) for security guards and self-employed private investigators who employ no other investigators.

TM 5

VIOLATIONS AND PUNISHMENTS RELATING TO THE OKLAHOMA SECURITY GUARD AND PRIVATE INVESTIGATOR ACT

D. A Security Agency License or Investigative Agency License shall be subject to denial, suspension, or revocation by the Council on Law Enforcement Education and Training subject to the Administrative Procedures Act for, but not limited to, the following reasons by a preponderance of the evidence:

1. A false statement in a license application.
2. Violation of any provision of the Oklahoma Security Guard and Private Investigator Act or a regulation adopted pursuant thereto.
3. Employing, authorizing, or permitting an unlicensed or unbonded person to perform a security guard, armed security guard or private investigator function.
4. Permitting a person to perform a security guard, armed security guard, or private investigator function, knowing such person has committed any offense previously stated.

TM 5

VIOLATIONS AND PUNISHMENTS RELATING TO THE OKLAHOMA SECURITY GUARD AND PRIVATE INVESTIGATOR ACT

E. No person licensed as a private investigator shall:

1. Divulge any information gained during employment except as the employer may direct or as the law may require.
2. Willfully make a false report to the employer.

The punishment for such acts, upon conviction, is a fine of not more than Five Hundred Dollars ($500.00), imprisonment for not more than One (1) year, or both.

TM 5

PURPOSES OF A WRITTEN AGREEMENT

- Determine your client's needs
- Define your needs to your client and any material and/or financial support needed from your client

  EXAMPLE: Method and frequency of payment, deadlines, reporting requirements, time and expense requirements, and others.
- State the possible restraints on your investigation, including cost factors

TM 6

RESPONSIBILITIES TO CLIENTS

- Follow all legal guidelines established through legislative procedure.
- Provide a professional job.

  NOTE: You cannot guarantee anything but a professional job. By performing a professional job, you will also enhance your reputation as a competent private investigator.

- Follow your client's employment regulations, if you conduct an internal investigation at your client's facility.
- Take the initiative within your agreed-upon tasks.

  NOTE: You may have to limit some investigations due to financial and time restraints.

TM 7

RESPONSIBILITIES TO CLIENTS

- Be your client's agent.

  NOTE: Act as though your client's business were your own.

- Insist that your client file any charges, civil or criminal, resulting from your investigation.

  IMPORTANT: You should supply the information needed for your client's decisions. Your client is the victim and must make the decision to file any charges. This will help you protect your liability.

TM 7

UNDERSTANDING RESPONSIBILITIES TO CLIENTS

Name ______________________ Score ________

OBJECTIVE 1 **Explain the role of client and investigator.**

OBJECTIVE 2 **List topics requiring confidentiality.**

1. ______________________
2. ______________________
3. ______________________

OBJECTIVE 3 **State possible consequences of failing to maintain confidentiality.**

1. ______________________
2. ______________________
3. ______________________
4. ______________________

OBJECTIVE 4 **Select from a list basic guidelines for maintaining the confidence of clients and others.** Write an X in the blank beside each guideline.

______1. Keep your client's role in your investigation confidential

______2. Identify your sources of information

______3. Return all documents of your investigation to your client

______4. Release only that information that your client authorizes you to release

OBJECTIVE 5 **Explain the importance of reporting to clients.**

____

____

____

____

____

____

OBJECTIVE 6 **Identify characteristics of good reports.**

1. ____________
2. ____________
3. ____________
4. ____________

OBJECTIVE 7

Match common types of reports with their descriptions.
Write the correct letter in each blank.

a. Surveillance reports
b. Background investigations reports
c. Consumer and investigative consumer reports
d. Time and expense reports
e. Preprinted, narrative, or combination reports
f. Case reports

______1. A report that presents the relevant information concerning the character and reputation of the subject of your investigation, frequently used to determine the suitability of an applicant for employment.

______2. A report that records your daily activities on any case, and that includes elements of the other types of reports. This report is a log of your work on an investigation as it progresses each day.

______3. Reports that describe a subject's credit worthiness, credit standing or capacity, character, general reputation, personal characteristics, or mode of living. These reports are used as a factor in establishing the subject's eligibility for employment, insurance, credit, or for other purposes, and, in the case of the investigative consumer report, may also include information derived through personal interviews with friends, neighbors, or associates of the subject.

______4. A report that presents detailed information about the results of your surveillance activities. The data in this report is exact, allowing you to account for every minute and every activity during your assignment. This report does not leave any aspect of your surveillance open to interpretation.

______5. These are not actually reports, but are forms that you can use to prepare your reports.

______6. These reports provide a record of the necessary expenses involved in your investigation, and help your client account for the costs of your services.

OBJECTIVE 8 **State a rule for submitting reports to clients.**

____

____

____

____

OBJECTIVE 9 **List the purposes of a written agreement between the private investigator and the client.**

1. ______________________________

____

2. ______________________________

____

3. ______________________________

____

OBJECTIVE 10 **Select from a list basic responsibilities to clients.** Write an X in the blank beside each basic responsibility.

_____1. Guarantee a successful investigation.

_____2. Follow all legal guidelines established through legislative procedure.

_____3. Provide a professional job.

_____4. Follow your client's employment regulations, if you conduct an internal investigation at your client's facility.

_____5. Take the initiative within your agreed-upon tasks.

_____6. File any charges, civil or criminal, resulting from your investigation.

_____7. Be your client's agent.

UNDERSTANDING RESPONSIBILITIES TO CLIENTS

OBJECTIVE 1

The relationship between you and your clients is one of mutual benefit. Your clients are your livelihood — without them, you would not have cases to investigate. Just as you depend upon your clients for their support, your clients depend upon your skills to solve their problems. Often, these problems cannot be solved without the specialized skills of a licensed private investigator.

OBJECTIVE 2

1. Your activities
2. Your client's role
3. Your sources of information

OBJECTIVE 3

1. Loss of faith
2. Damage to your client's reputation or business
3. Damage to your professional reputation
4. Loss of assistance

OBJECTIVE 4

1, 3, 4

OBJECTIVE 5

Your reports serve as a record of your performance and describe the results of your investigation for your client and others. Your reports should summarize your results, so that your client can take any further action necessary to solve the problem.

OBJECTIVE 6

1. Detailed
2. Documented
3. Readable
4. Usable

OBJECTIVE 7

1. b
2. f
3. c
4. a
5. e
6. d

OBJECTIVE 8

You should adopt a standard format for each of your reports, and agree with your client on the number and type of reports that you must provide.

OBJECTIVE 9

1. Determine your client's needs
2. Define your needs to your client and any material and/or financial support needed from your client
3. State the possible restraints on your investigation, including cost factors

OBJECTIVE 10

2, 3, 4, 5, 7

OBJECTIVE SHEET

INTERPRETING LAWS OF PRIVATE INVESTIGATIONS

II

INTRODUCTION

As a private investigator, you must conduct your investigations within established legal guidelines. A number of laws influence your work every day and help to determine the way in which you can do your job. Therefore, you must be familiar with your legal limitations in the field of private investigations. This unit will explain major laws that affect licensed private investigators.

UNIT OBJECTIVE

After completing this unit, you will know some of the legal limitations of the private investigator's work. This will be evidenced by scoring an eighty-five percent (85%) on the written test.

SPECIFIC OBJECTIVES

After completing this unit, you will be able to

1. Match terms associated with laws of private investigations with their correct definitions.
2. Select from a list characteristics of contracts.
3. Identify the basic provisions of the Privacy Act of 1974.
4. State the punishment for misdemeanors and felonies under Oklahoma criminal law.
5. Select from a list statements describing the arrest authority of a private investigator.
6. State circumstances for legally using recording devices.
7. State the penalties for violating the provisions of Title 18, Chapter 119 of the United States Code (federal wiretapping law).

SUGGESTED ACTIVITIES

INTERPRETING LAWS OF PRIVATE INVESTIGATIONS

II

PREPARATION

1. Supplement this unit with additional resources.
2. Review the unit and plan your presentation.
    a. Estimate the amount of material that can be covered in each class session.
    b. Plan for appropriate Assignment Sheets.
    c. Identify objectives that you can supplement with other resources.
    d. Invite guest speakers in advance.
3. Design transparencies and handouts to reinforce the objectives in each unit, to provide additional information, or to facilitate in-class activities.
4. Make students aware of the licensing examination to be administered by CLEET. Refer to the *Oklahoma Private Security Rules and Regulations.*

DELIVERY

Objective 1

- Show TM 1.

Objective 2

- Show TM 2.
- Discuss the importance of contracts in private investigations.
- Give examples of each of the characteristics of contracts.

Objective 3

- Show TM 3. Discuss the practical uses of the Privacy Act of 1974.

Objective 4

- Show TM 4.
- Check Title 21, Chapter 61 before class for examples of fraud.

Objective 5

- Show TM 5.
- Quiz students on their thoughts about their arrest powers, before discussing this Objective.
- Emphasize the fact that licensed security guards and private investigators have no special powers or authority. They do not have the protection from civil liability that peace officers have in the exercise of arrest authority.
- State that Phase 4 (Firearms Training) includes a more detailed discussion of deadly force, for students who will take Phase 4.
- Check the Oklahoma Statutes for examples of felonies and misdemeanors.
- Remind students that the only arrest they can make is a citizen's arrest.
- Explain that the case of Tennessee vs. Garner shows that the question of deadly force is still subject to legal interpretation.

Objective 6

- Show TM 6.
- Discuss the legal use of recording devices as a way of documenting conversations.
- Ask students for examples of situations when a recording device could be appropriate.

Objective 7

- Show TM 7.
- Remind students of their responsibilities to their clients. (See Unit I.)

EVALUATION

- Give the Written Test soon after presenting the unit but not earlier than the next class session.

- Remind students throughout your presentation that the questions and required performance on each Written Test match the Specific Objectives stated at the beginning of the unit and the objectives discussed in the unit.

  NOTE: Explain that the questions on the Written Test are not multiple-choice.

- Review individual and group performance in order to evaluate teaching methods. Adjust your approach as needed.

REFERENCES

- Definitions of constitutional law, criminal law, contract law, and regulatory laws adapted with permission of McGraw-Hill Book Company, from *Criminal and Civil Investigation Handbook*, by Joseph J. Grau, 1981.
- Glossary of common legal terms reprinted with permission of Anderson Publishing Company, from *The Law Dictionary (Cochran's Law Lexicon)*, Fifth Edition.
- Oklahoma Titles 21 and 22 (excerpts).
- Privacy Act of 1974.
- United States Code, Title 18, Chapter 119 (excerpts).

INFORMATION SHEET — INTERPRETING LAWS OF PRIVATE INVESTIGATIONS II

OBJECTIVE 1

Match terms associated with laws of private investigations with their correct definitions.

Constitutional Law — Regulates the conduct of government and state actions, and is expressed through federal laws, based on interpretation of the Constitution.

NOTE: Actions must be classified as state actions.

EXAMPLES: Freedom of Information Act, Equal Employment Opportunity Act, Civil Rights Act of 1964, etc.

Contract Law — Establishes *liabilities* between the participants in a contract, including the responsibilities of each party and a remedy in case of a breach of contract (when the contract is not fulfilled).

NOTE: From Oklahoma Statutes, Title 15, Section 1 — A contract is "An agreement to do or not to do a certain thing."

Regulatory Law — Acts as a binding limitation, and includes state and federal statutes, rules and regulations, and municipal (city) ordinances.

Criminal Law — Defines a "social harm" to which offenders are answerable to society and punishable by law. Acts as a deterrent to criminal activity through the *threat of conviction* and the levying of a *penalty*.

NOTE: Criminal law establishes the "outer limits" of your activities as a private investigator. Persons going beyond those limits and committing a criminal act are subject to criminal prosecution.

Deadly Force — Force likely or intended to cause death or great bodily harm, and which may be reasonable or unreasonable.

Probable Cause — Where the facts and circumstances would warrant a person of reasonable caution to believe that an offense was or is being committed; mere *suspicion* is not enough for making an arrest.

OBJECTIVE 2

Select from a list characteristics of contracts.

NOTE: In private investigations, contract law may (1) limit your authority and actions, and (2) help you to determine whether a *breach of contract* has occurred.

- Contracts can be *written* or *verbal.*

  NOTE: A contract does not have to be a written document, written by an attorney and containing blank spaces for names, dollar amounts, etc.

- Contracts can be *formal* or *informal.*

  EXAMPLES: A formal contract could be a written agreement, such as a contract between a business and a company that services the other's machines. An informal contract could be a verbal agreement, such as a promise to do something in exchange for something else.

- Contracts must involve "legal consideration" (what is given in *exchange* for the services agreed upon in the contract).

  EXAMPLES: Money, property, a promise for a promise (trade-off), etc.

- Contracts must be legal.

  NOTE: If the terms of a contract or the method(s) of fulfilling the contract is illegal, the contract is not legal or enforceable.

- Contracts must involve mutual agreement (both parties must agree to the terms of the contract).

- Contracts must involve parties which are able to contract.

  NOTE: Oklahoma Statutes outline different parties and their ability (capacity) to contract.

OBJECTIVE 3 **Identify the basic provisions of the Privacy Act of 1974.**

- GUARANTEES the individual's right to determine and obtain copies of information gathered that pertains to the individual

- ALLOWS an individual to question the accuracy of any information gathered

- REQUIRES the agency that has collected data about a person to inform that individual, upon request, of the way in which it has used the information

- PROVIDES for individuals to refuse to disclose their social security number, unless required by federal statute

IMPORTANT: The Privacy Act of 1974 applies to personnel data collection and distribution by federal agencies, including executive departments, government-controlled corporations, independent regulatory agencies, and the military. The Privacy Act of 1974 does not apply to records kept by state and local governments and private organizations.

OBJECTIVE 4 **State the punishment for misdemeanors and felonies under Oklahoma criminal law.**

NOTE: This section does not include all of the Oklahoma criminal laws. The following are examples of the kinds of misdemeanors and felonies that you may investigate on a routine basis.

Burglary (First Degree) — "Every person who breaks into and enters the dwelling house of another, in which there is at the time some human being, with intent to commit some crime therein, either:

1. By forcibly bursting or breaking the wall, or an outer door, window, or shutter of a window of such house or the lock or bolts of such door, or the fastening of such window or shutter; or
2. By breaking in any other manner, being armed with a dangerous weapon or being assisted or aided by one or more confederates then actually present; or
3. By unlocking an outer door by means of false keys or by picking the lock thereof, or by lifting a latch or opening a window" (Title 21, Chapter 58, Section 1431)

PUNISHMENT: Imprisonment in the penitentiary for not less than seven (7) years nor more than twenty (20) years (Section 1436).

Burglary (Second Degree) — "Every person who breaks and enters any building or any part of any building, room, booth, tent, railroad car, automobile, truck, trailer, vessel or other structure or erection, in which any property is kept, or breaks into or forcibly opens, any coin-operated or vending machine or device with intent to steal any property therein or to commit any felony" (Title 21, Chapter 58, Section 1435).

PUNISHMENT: Imprisonment in the penitentiary not exceeding seven (7) years and not less than two (2) years (Section 1436).

Embezzlement — "the fraudulent appropriation of property by a person to whom it has been entrusted." (Title 21, Chapter 59, Section 1451).

PUNISHMENT: "Every person guilty of embezzlement is punishable in the manner prescribed for feloniously stealing property of the value of that embezzled." (Section 1462).

Fraud — "Any kind of artifice employed by one person to deceive another." (From Black's Law Dictionary, Fifth Edition.)

PUNISHMENT: See Title 21, Chapter 61 for examples of fraud and the punishment for each.

Robbery — "a wrongful taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear." (Title 21, Chapter 28, Section 791).

Robbery (First Degree) — "Robbery, when accomplished by the use of force, or of putting the person robbed in fear of some immediate injury to his person" (Section 797).

PUNISHMENT: Imprisonment in the State Penitentiary not less than ten (10) years (Section 798).

Robbery (Second Degree) — "when accomplished in any other manner [other than as stated for First Degree]" (Section 797).

PUNISHMENT: Imprisonment in the State Penitentiary not exceeding ten (10) years (Section 799).

NOTE: A "tort" as compared to a "crime" is a violation of the rights of an individual, either by accident or intentionally. The injured party can then file a lawsuit for damages. A "crime" such as those discussed in this section is committed against the public as a whole and for which a person is brought to trial by the state. Torts can also be crimes, such as assault and battery, and fraud.

OBJECTIVE 5

Select from a list statements describing the arrest authority of a private investigator.

- Your arrest powers are those of a private citizen, with the same laws governing your authority as those that regulate any other private individual.

  NOTE: You have NO SPECIAL POWER or obligation under the law to arrest another person. Any wrongful or improper actions by you will fall under the scrutiny of both civil and criminal law.

- A private citizen may make an arrest. (Title 22, Section 187)
- As a private citizen, you may arrest another person
  - a. For a public offense committed or attempted in your presence
  - b. When a person commits a felony, although not in your presence
  - c. When a felony has been committed, and reasonable cause exists that the person arrested committed it (Title 22, Section 202)
- A private citizen must inform the person being arrested of the cause of the arrest. (Title 22, Section 203)
- A private citizen making an arrest must take the person arrested before a magistrate or deliver the person to a peace officer. (Title 22, Section 205)
- Any person making an arrest must take from the person arrested all offensive weapons that may be on that person, and must deliver those weapons to the magistrate before whom the arrested person is taken. (Title 22, Section 206)

DEGREE OF FORCE ALLOWED IN MISDEMEANOR ARRESTS

NOTE: Based on law and court decisions.

1. Absolutely no deadly force
2. Absolutely no deadly weapon
3. Only the force minimally required to arrest the person

DEGREE OF FORCE ALLOWED IN FELONY ARRESTS

NOTE: Based on law and court decisions.

1. Only reasonable and necessary force; including deadly force,

   BUT ONLY IF

2. Deadly force is required to apprehend and arrest a person suspected of a *violent* felony based on probable cause and which resulted in serious bodily injury or death of another, and/or if your life or the life of another is in *immediate danger.*

JUSTIFIABLE HOMICIDE

According to Title 21 Section 733 of the Oklahoma Statutes, a homicide is justifiable when committed by any person in any of the following cases:

1. When you are resisting someone's attempt to murder you or commit any felony upon you
2. When the homicide is committed in the lawful defense of yourself or others when there is reasonable grounds to believe that the individual is going to do great bodily harm to you or to others
3. When you are apprehending a person for any felony committed*

***NOTE:** In the U.S. Supreme Court decision on *Tennessee vs. Garner*, the Court held that the Tennessee law permitting deadly force in the arrest of a person who commits "any" felony, was unconstitutional, in that the law did not distinguish between violent and non-violent felonies. Oklahoma's laws in this regard are similar to Tennessee laws. The implication here is that private investigators and security guards should *never* shoot at a fleeing felon, unless the felony committed was a violent crime, and the felon's actions indicate a clear and immediate danger to others.

OBJECTIVE 6 **State circumstances for legally using recording devices.**

NOTE: As a private investigator, you will probably *not* be allowed to conduct an authorized wiretap. Such authorized wiretaps involve an application process and many restrictions, and are usually reserved for law enforcement personnel. However, you *can* legally use recording devices, such as tape recorders or concealed microphones, under certain conditions.

- IF you are a party to the communication, either by phone or in person,

  OR

- IF you have the permission of one of the parties to the communication to use a recording device,

  OR

- In a public or semi-public place, if you can hear the conversation. This includes the use of an amplifier, if needed.

OBJECTIVE 7 **State the penalties for violating the provisions of Title 18, Chapter 119 of the United States Code (federal wiretapping law).**

NOTE: Title 18, Chapter 119 of the United States Code outlines in detail the limitations of wiretapping and the use of recording devices, methods of gathering information that can be especially useful in private investigations.

If you violate these provisions, you can be fined not more than $10,000 or imprisoned not more than five (5) years, or both. (Section 2511)

GLOSSARY OF COMMON LEGAL TERMS*

NOTE: This list is not a complete list of legal terms with which you should be familiar.

1. ACCESSARY, or ACCESSORY — One who is not the actual perpetrator of a felony, but is in some way concerned with the perpetration of it. The individual may be an accessory (a) before the fact, e.g., by inciting or counseling, or (b) after the fact, by relieving or assisting the felon.

2. ACQUITTAL — A release or discharge, especially by verdict of a jury.

3. ADJUDICATION — A judgment or decision. (2) Of bankruptcy, the declaring a debtor bankrupt.

4. AFFIDAVIT — A written statement of fact, signed and sworn to before a person having authority to administer an oath.

5. ANSWER — In pleading, a statement of the defenses on which a party defending a lawsuit intends to rely. (2) A statement under oath, in response to written interrogatories, i.e., questions, or oral questions.

6. ASSAULT — Strictly speaking, is threatening to strike or harm. (2) A threatening gesture, with or without verbal communication. If a blow is struck, it is battery (q.v.)

7. BATTERY — An unlawful touching, beating, wounding or laying hold, however trifling, of another's person or clothes without that person's consent.

8. CASE LAW — Judicial precedent generated as a by-product of the decisions which courts have made in resolving unique disputes, as distinguished from statutes and constitutions. Case law concerns concrete facts. Statutes and constitutions are written in the abstract.

9. CHATTELS — Any property, except a freehold of real property. It includes personal property, e.g., furniture, automobiles and animals, and leases and other interests in land which are less than a freehold.

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10. CIVIL ACTION — A lawsuit which has for its object the protection of private or civil rights or compensation for their infraction.

11. CIVIL REMEDY — The remedy which an injured party has against a party who committed the injury, as distinguished from a criminal proceeding by which the wrongdoer is made to expiate the injury done to society.

12. COMMON LAW — An ambiguous term. (1) A system of jurisprudence founded on principles of justice which are determined by reasoning and administration consistent with the usage, customs and institutions of the people and which are suitable to the genius of the people and their social, political and economic condition. The rules deduced from this system continually change and expand with the progress of society. (2) That system of law which does not rest for its authority upon any express statutes, but derives its force and authority from universal consent and immemorial usage, and which is evidenced by the decisions of the courts of law, technically so called, in contra-distinction to those of equity and the ecclesiastical courts.

13. COMPENSATORY DAMAGES — Such as measure the actual loss; not exemplary or punitive.

14. CRIMINAL — A person who is guilty of committing a crime. (2) Adj., involving an offense against law; relating to crime.

15. CROSS-EXAMINATION — The questioning of a witness by the party opposed to the party which called the witness for direct examination. This usually occurs after the direct examination but on occasion may be otherwise allowed. The form of the questions on cross-examination is designed for the purpose of eliciting evidence from a hostile witness.

16. DECREE (SC. DECREET) — A determination made by the court in a suit in equity or libel in admiralty. It is interlocutory if it does not finally dispose of the case, e.g., an order directing an accounting or a sale or appointing a receiver, or final, when it does dispose of the case. (2) Often used as a generic term for any judgment or order issued by a court.

17. DEFENDANT — A person against whom an action is brought, a warrant is issued or an indictment is found.

18. DEMURRER — A formal response to a pleading, which admits the allegations to be true, for the purposes of argument, but asserts that no cause of action, or defense, is stated by the allegations of the pleading. It imports that the party demurring will stay, and not proceed, until the court decides whether that party is bound to do so. Demurrers are either general, where no particular cause is assigned and the insufficiency of the pleading is stated in general terms, or special, where some particular defects are pointed out. Demurrers may be to the whole or to any part of a pleading. Under modern rules of civil procedure, the demurrer has been replaced by a motion to dismiss for failure to state a claim. Fed. R. Civ. P. 12(b).

19. DEPOSITION — A written record of oral testimony, in the form of questions and answers, made before a public officer, for use in a lawsuit. They are used for the purpose of discovery of information, or for the purpose of being read as evidence at a trial, or for both purposes.

20. DISCOVERY — A pliant method by which the opposing parties to a lawsuit may obtain full and exact factual information concerning the entire area of their controversy, via pre-trial depositions, interrogatories, requests for admissions, inspection of books and documents, physical and mental examinations and inspection of land or other property. The purpose of these pre-trial procedures is to disclose the genuine points of factual dispute and facilitate adequate preparation for trial. Either party may compel the other party to disclose the relevant facts that are in his possession, prior to the trial. Fed. R. Civ. P. 26-37.

21. GENERAL VERDICT — The decision of the jury, when they simply find for the plaintiff or defendant, without specifying the particular facts which they found from the evidence.

22. HEARSAY EVIDENCE — Statements offered by a witness, based upon what someone else has told that individual, and not upon personal knowledge or observation. Usually, such evidence is inadmissible, but exceptions are made, e.g., in questions of pedigree, custom, reputation, dying declarations, and statements made against the interest of the declarant.

23. LIEN — A security device, by which there is created a right (1) to retain that which is in a person's possession, belonging to another, until certain demands of the person in possession are satisfied; or (2) to charge property in another's possession with payment of a debt, e.g., a vendor's lien. It may be either (a) particular, arising out of some charge or claim connected with the identical thing; (b) general, in respect of all dealings of a similar nature between the parties; or (c) conventional, by agreement, express or implied, between the parties, e.g., a mortgage; or (d) by operation of law, e.g., a lien for taxes or an attorney's lien.

24. NEGLIGENCE — A flexible term for the failure to use ordinary care, under the particular factual circumstances revealed by the evidence in a lawsuit.

25. NO'LO CONTEN'DERE — Lat., no contest; a plea in criminal cases whereby the defendant tacitly admits his guilt by throwing himself on the mercy of the court.

26. PRAYER — The portion of a pleading, usually at the end, which makes a specific demand for judgment for the relief to which the pleader deems himself entitled. Relief in the alternative, or of several different types, may be demanded. Fed. R. Civ. P. 8(a).

27. PREPONDERANCE OF EVIDENCE — The greater weight of the evidence, in merit and in worth. (2) Sufficient evidence to overcome doubt or speculation.

28. PRESUMPTION — A conclusion, or inference, drawn from the proven existence of some fact or group of facts. Presumptions may be either (a) juris et de jure (of law and by the principles of law), such as the presumption of incapacity in a minor to act, which are conclusive and irrebuttable; (b) juris (of law), which may be disproved, or rebutted, by evidence; or (c) judicis, or facti, i.e., presumptions of fact, drawn by a judge from the evidence.

29. PRE-TRIAL CONFERENCE, or PRE-TRIAL HEARING — A meeting between the judge and counsel for the parties, preliminary to the trial of a lawsuit. Under modern rules of civil procedure, in any lawsuit, the court may in its discretion direct the attorneys for the parties to appear before it for a conference, to consider any matters that may aid in the disposition of the lawsuit. Fed. R. Civ. P. 16.

30. PRIMA FACIE EVIDENCE — Proof of a fact or collection of facts, which creates a presumption of the existence of other facts, or from which some conclusion may be legally drawn, but which presumption or conclusion may be discredited or overcome by other relevant proof.

31. PROBABLE CAUSE — A reasonable ground for suspicion, supported by circumstances sufficiently strong to warrant a cautious person to believe that an accused person is guilty of the offense with which that individual is charged.

32. PROBATE COURT — Various state courts which have jurisdiction in the matter of proving wills, appointing executors and administrators, and supervising the administration of estates.

33. RELIEF — The redress or assistance, which a court grants to a person, on account of the wrongs which another person has done to the former.

34. REMAND — To recommit a person to jail or prison. (2) To send a lawsuit back to the same court from which it came, for trial or other action.

35. REPLEVIN — A form of lawsuit which is used to recover possession of specific chattels, which have been unlawfully taken from, or withheld from, the plaintiff. It may be brought by a general owner, who has the right to immediate possession, or by someone who has a special property in the chattel, e.g., a creditor whose claim is secured by the chattel. Usually defined by various state statutes. Occasionally called claim and delivery or order of delivery.

36. RES GESTAE — Lat., all of the things done, including words spoken, in the course of a transaction or event.

37. RESPONDENT — A party against whom a motion is filed in the course of a lawsuit; analogous to a defendant or an appellee.

38. SERVICE — The act of bringing a judicial proceeding to the notice of the person affected by it, e.g., by delivering to the individual a copy of a written summons or notice.

39. SUIT — A lawsuit or civil action.

40. TANGIBLE — Descriptive of something which may be felt or touched; corporeal.

41. TORT — Any one of the various, legally recognized, private injuries or wrongs, which do not arise as the result of a breach of contract.

42. VENUE or VISNE — The neighborhood; the county in which a particular lawsuit should be tried; the county from which the jury is taken for the trial of a lawsuit. Often regulated by various state and federal statutes. A change of venue is the sending of a lawsuit to be tried before a jury of another county, e.g., when circumstances render it impossible to have an impartial trial in the county where the cause of action arose.

43. WAIVE — To forego; to decline to take advantage of, e.g., a legal right or an omission or irregularity.

44. WARRANT — Written authority. (2) An order from a court, to an officer, directing the officer to arrest a person. [or to search and seize evidence, contraband or fruits of a crime*]

45. WRIT — A written court order, or a judicial process. It is issued by authority of a court, and directed to the sheriff, or other officer authorized by law to execute the same. This officer must return it, with a brief statement of what has been done in pursuance of it, to the court or officer who issued it. Writs are either (a) prerogative, when the granting of them is in the discretion of the court, as in the case of habeas corpus; or (b) of right, when the applicant is entitled as of course. The latter class includes original writs, by which an action is commenced, e.g., a summons, and judicial writs, under which head almost all writs at present fall, e.g., writs in aid, and writs of execution. (3) An action, e.g., the writs of waste and partition.

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*Added to the original definition.

EXAMPLES OF REGULATORY LAW

- State and Federal statutes

  EXAMPLES: Oklahoma Security Guard and Private Investigator Act (Title 59, O.S. 1750.1), Oklahoma Open Records Act, Fair Credit Reporting Act, Freedom of Information Act.

  NOTE: Statutory provisions vary by state and locality.

- Rules and Regulations

  EXAMPLES: Regulations covering licensing of occupations such as barbers, real estate, and cosmetology. Rules such as CLEET rules and regulations for *Private Security Training* programs, etc.

- Municipal (City) Ordinances

  EXAMPLES: Zoning ordinances, parking, etc.

TM 1

CHARACTERISTICS OF CONTRACTS

- Contracts can be *written* or *verbal*

  NOTE: A contract does not have to be a written document, written by an attorney and containing blank spaces for names, dollar amounts, etc.

- Contracts can be *formal* or *informal*

  EXAMPLE: A formal contract could be a written agreement, such as a contract between a business and a company that services the other's machines. An informal contract could be a verbal agreement, such as a promise to do something in exchange for something else.

- Contracts must involve "legal consideration" (what is given in exchange for the services agreed upon in the contract)

  EXAMPLE: Money, property, a promise for a promise (trade-off), etc.

TM 2

CHARACTERISTICS OF CONTRACTS

- Contracts must be legal

  NOTE: If the terms of a contract or the method(s) of fulfilling the contract is illegal, the contract is not legal or enforceable.

- Contracts must involve mutual agreement (both parties must agree to the terms of the contract)
- Contracts must involve parties which are able to contract

  NOTE: Oklahoma Statutes outline different parties and their ability (capacity) to contract.

TM 2

USING THE PRIVACY ACT OF 1974

- You have the right to check your own records
- You can check the records of another person if you have a *signed release form* from that person
- You could check the records that relate to your client, using a signed release form, as a way of checking your client's background for your own information or as a way of helping your client in court

EXAMPLE: After checking the records that relate to your client, you could investigate as needed to support your client in court.

TM 3

DEFINITIONS

(from Oklahoma Title 21)

Felony — "A felony is a crime which is, or may be, punishable with death, or by imprisonment in the State Prison" (Title 21, Chapter 1, Section 5).

Misdemeanor — "Every other crime is a misdemeanor" (Title 21, Chapter 1, Section 6).

TM 4

ARREST AUTHORITY

1. Your arrest powers are those of a private citizen, with the same laws governing your authority as those that regulate any other private individual.

2. A private citizen may make an arrest. (Title 22, Section 187.)

TM 5

ARREST AUTHORITY

3. As a private citizen, you may arrest another person

   a. For a public offense committed or attempted in your presence

   b. When a person commits a felony, although not in your presence

   c. When a felony has been committed, and reasonable cause exists that the person arrested committed it

   (Title 22, Section 202.)

TM 5

ARREST AUTHORITY

4. A private citizen must inform the person being arrested of the cause of the arrest. (Title 22, Section 203.)

5. A private citizen making an arrest must take the person arrested before a magistrate or deliver the person to a peace officer. (Title 22, Section 205.)

6. Any person making an arrest must take from the person arrested all offensive weapons that may be on that person, and must deliver those weapons to the magistrate before whom the arrested person is taken. (Title 22, Section 206.)

TM 5

LEGALLY USING RECORDING DEVICES

- If you are a party to the communication, either by phone or in person,

  OR

- If you have the permission of one of the parties to the communication to use a recording device,

  OR

- In a public or semi-public place, if you can hear the conversation. This includes the use of an amplifier, if needed.

TM 6

FEDERAL WIRETAPPING LAW

(Title 18, Chapter 119 of the United States Code)

YOU CANNOT WILLFULLY

- INTERCEPT, try to intercept, or have another person intercept or attempt to intercept any wire OR oral communication,

- USE, try to use, or have another person attempt to use any electronic, mechanical, or other device to intercept any oral communication, when

  a. the device is attached to or transmits a signal through, a wire, cable, or other connection used in wire communication,

  b. the device transmits communications by radio, or interferes with the transmission of radio communications,

  OR

  c. you know or have reason to know that the device or any of its components have been sent through the mail or transported in interstate or foreign commerce,

  OR

  d. Such use or the attempt to use (1) occurs on the premises of any business or other commercial establishments whose operations affect interstate or foreign commerce, or (2) obtains or is designed to obtain information about the operations of any business or other commercial establishment whose operations affect interstate or foreign commerce,

  OR

TM 7

FEDERAL WIRETAPPING LAW

(Title 18, Chapter 119 of the United States Code)

e. you act within the District of Columbia, Puerto Rico, or any U.S. territory or possession.

- DISCLOSE, or try to disclose the contents of any wire or oral communication to any other person, if you know or have reason to know that the information was obtained through the interception of a wire or oral communication in violation of Section 2511, subsection (1),

OR

- USE, or try to use, the contents of any wire or oral communication, if you know or have reason to know that the information was obtained through the interception of a wire or oral communication in violation of Section 2511, subsection (1).

TM 7

WRITTEN TEST

INTERPRETING LAWS OF PRIVATE INVESTIGATIONS II

Name ______________________________ Score __________

OBJECTIVE 1

Match terms associated with laws of private investigations with their correct definitions. Write the correct letter in each blank.

a. Constitutional law
b. Contract law
c. Criminal law
d. Deadly force
e. Probable cause
f. Regulatory law

______1. Acts as a binding limitation and includes state and federal statutes, rules and regulations, and municipal (city) ordinances.

______2. Defines a "social harm" to which offenders are answerable to society and punishable by law. Acts as a deterrent to criminal activity through the threat of conviction and the levying of a penalty.

______3. Establishes liabilities between the participants in a contract, including the responsibilities of each party and a remedy in case of a breach of contract (when the contract is not fulfilled.)

______4. Force likely or intended to cause death or great bodily harm, and which may be reasonable or unreasonable.

______5. Regulates the conduct of government and state actions, and is expressed through federal laws, based on interpretation of the Constitution.

______6. Where the facts and circumstances would warrant a person of reasonable caution to believe that an offense was or is being committed; mere suspicion is not enough for making an arrest.

OBJECTIVE 2

Select from a list characteristics of contracts. Write an X in the blank beside each characteristic.

______1. Contracts can be written documents only.

______2. Contracts can be informal.

______3. Contracts must involve "legal consideration."

______4. Contracts cannot be verbal.

______5. Contracts must be legal.

______6. Contracts must involve agreement by at least one of the parties to the contract.

______7. Contracts must involve mutual agreement.

______8. Contracts must involve parties which are able to contract.

OBJECTIVE 3

Identify the basic provisions of the Privacy Act of 1974. Write an X in the blank beside each provision.

______1. Guarantees the individual's right to determine and obtain copies of information gathered that pertains to the individual.

______2. Requires the agency that has collected data about a person to delete any information that could have a negative effect on the ability of the person to find employment.

______3. Allows an individual to question the accuracy of any information gathered.

______4. Requires the agency that has collected data about a person to inform that individual, upon request, of the way in which it has used the information.

______5. Provides for individuals to refuse to disclose the individual's social security number, unless required by federal statute.

OBJECTIVE 4

State the punishment for misdemeanors and felonies under Oklahoma criminal law.

1. Burglary (first degree) — ______________________________

____

2. Burglary (second degree) — ____________________________

____

3. Embezzlement — ________________________________

____

4. Robbery (first degree) — ____________________

____

5. Robbery (second degree) — ____________________

____

OBJECTIVE 5

Select from a list statements describing the arrest authority of a private investigator. Write an X in the blank beside each true statement.

_______1. Your arrest powers are those of a private citizen, with the same laws governing your authority as those that regulate any other private individual.

_______2. As a licensed security guard or private investigator, you have special powers and obligations to arrest another person.

_______3. A private citizen may not make an arrest, unless the citizen is a licensed security guard or private investigator.

_______4. As a private citizen, you may arrest another person for a public offense committed or attempted in your presence.

_______5. As a private citizen, you may arrest another person when a person commits a felony, although not in your presence.

_______6. As a private citizen, you may not arrest another person when a felony has been committed, and reasonable cause exists that the person committed the felony.

_______7. A private citizen must inform the person being arrested of the cause of the arrest.

_______8. A private citizen making an arrest must take the person arrested before a magistrate or deliver the person to a peace officer.

_______9. Any person making an arrest must take from the person arrested all offensive weapons that may be on that person, and must deliver those weapons to the magistrate before whom the arrested person is taken.

OBJECTIVE 6

State circumstances for legally using recording devices.

1. ____

   ____

2. ____

   ____

3. ____

   ____

OBJECTIVE 7

State the penalties for violating the provisions of Title 18, Chapter 119 of the United States Code (federal wiretapping law).

____

____

____

WRITTEN TEST ANSWERS

INTERPRETING LAWS OF PRIVATE INVESTIGATIONS II

OBJECTIVE 1

1. f
2. c
3. b
4. d
5. a
6. e

OBJECTIVE 2

2, 3, 5, 7, 8

OBJECTIVE 3

1, 3, 4, 5

OBJECTIVE 4

1. Imprisonment in the penitentiary for not less than seven (7) years nor more than twenty (20) years.
2. Imprisonment in the penitentiary not exceeding seven (7) years and not less than two (2) years.
3. "Every person guilty of embezzlement is punishable in the manner prescribed for feloniously stealing property of the value of that embezzled."
4. Imprisonment in the State Penitentiary not less than ten (10) years.
5. Imprisonment in the State Penitentiary not exceeding ten (10) years.

OBJECTIVE 5

1, 4, 5, 7, 8, 9

OBJECTIVE 6

1. If you are a party to the communication, either by phone or in person
2. If you have the permission of one of the parties to the communication to use a recording device
3. In a public or semi-public place, if you can hear the conversation

OBJECTIVE 7

If you violate these provisions, you can be fined not more than $10,000 or imprisoned not more than five (5) years, or both.

OBJECTIVE SHEET

COMPLYING WITH THE FAIR CREDIT REPORTING ACT

III

INTRODUCTION

Whether you work as a private investigator independently or within an agency, you are also a "consumer reporting agency" as defined in the Fair Credit Reporting Act (Public Law 91-508, Title VI, as amended by Public Law 95-598). The Fair Credit Reporting Act establishes some guidelines (and penalties) for reporting certain kinds of information. In the field of private investigations, this information relates to the subjects of your investigation. Because you must prepare reports for your clients about the results of your investigations and about the subjects involved, you must be aware of the basic provisions of the Fair Credit Reporting Act.

This unit includes information from the Fair Credit Reporting Act that has been *adapted for the field of private investigations*. See your public library to review the specific sections of the Act.

UNIT OBJECTIVE

After completing this unit, you will be familiar with the Fair Credit Reporting Act as it applies to private investigations. This ability will be evidenced by completing assignment sheets and by scoring an eighty-five percent (85%) on the written test.

SPECIFIC OBJECTIVES

After completing this unit, you will be able to

1. Match terms associated with the Fair Credit Reporting Act with their correct definitions.
2. Explain the requirement for reporting public record information for employment purposes (from Section 613).
3. Explain the restriction on investigative consumer reports (from Section 614).
4. Explain the requirement for users of consumer reports (from Section 615a).
5. Distinguish among the costs for willful noncompliance and negligent noncompliance.
6. Select from a list the penalties for obtaining information under false pretenses (from Section 619).
7. Select from a list the penalties for unauthorized disclosures (from Section 620).
8. State basic guidelines for complying with the Fair Credit Reporting Act.

9. Comply with the Fair Credit Reporting Act during a pre-employment investigation. (Assignment Sheet 1.)

SUGGESTED ACTIVITIES

COMPLYING WITH THE FAIR CREDIT REPORTING ACT

III

PREPARATION

1. Supplement this unit with additional resources.
2. Visit your public library and review the appropriate sections of the Fair Credit Reporting Act (Public Law 91-508, Title VI, as amended by Public Law 95-598) before planning your presentation.
3. Review the unit and plan your presentation.
    a. Estimate the amount of material that can be covered in each class session.
    b. Plan for appropriate Assignment Sheets.
    c. Identify objectives that you can supplement with other resources.
    d. Invite guest speakers in advance.
4. Review selected objectives relating to report writing (from Unit V in the Phase 1 book).
5. Design transparencies and handouts to reinforce the objectives in each unit, to provide additional information, or to facilitate in-class activities.
6. Make students aware of the licensing examination to be administered by CLEET. Refer to the *Oklahoma Private Security Rules and Regulations.*

DELIVERY

Objective 1

- Give examples of the ways in which private investigators comply with the Fair Credit Reporting Act every day.
- Relate each term to the field of private investigations.

Objective 2

- Show TM 1, TM 2, and TM 3.
- Give an example of an acceptable way to report public record information for employment purposes.

Objective 3

- Show TM 4.
- Give an example of an acceptable way of reverifying adverse information.

Objective 4

- Show TM 5.

Objective 5-7

- Show TM 6, TM 7, TM 8, TM 9, TM 10, and TM 11.
- Explain "other" costs, such as damage to your professional reputation, loss of clients, etc.

Objective 8

- Show TM 12.
- Give examples of practical ways that private investigators can protect themselves.

APPLICATION

Objective 9

- Introduce Assignment Sheet 1. Choose students to assume the following roles in a role-play:

  PLAYERS

  The client — The manager of the accounting department at a medium-size company hires a private investigator to conduct a background investigation on a job applicant. The client states that the purpose of the investigation is to help establish the applicant's eligibility for employment with the company. The true purpose of the investigation is to investigate the applicant because the applicant is dating the client's daughter. The client provides the investigator with a completed employment application from the applicant. This document is actually false and has been prepared by the client. This application is signed by the applicant and includes the applicant's name, address, social security number, past employer, references, and other general information.

  The private investigator — The private investigator must conduct a complete background investigation on the applicant, while complying with the Fair Credit Reporting Act. Sources of information include the employment application provided by the client, neighbors of the applicant, and a past employer of the applicant. The investigator has no reason to doubt that the employment application is genuine and does not know of the client's true purpose in contracting for the investigation. The investigator can assume any role that could help in conducting the investigation, but cannot assume the role of a law enforcement officer. The investigator should prepare questions for interviewing other players during the investigation.

Neighbors — Neighbors of the applicant are available for the investigator to interview. Each neighbor can provide only the limited information described. Neighbor #1 states that the applicant is friendly and outgoing, and has never been a problem. No unusual activities have been observed at the applicant's residence. Neighbor #2 repeats the statement of the first neighbor, but knows that the applicant does enjoy going to the racetrack and had once borrowed money from this neighbor. Neighbor #3 has gone to the racetrack with the applicant a couple of times, and knows that the applicant has been dating the daughter of an "accounting manager" at a local company. When presented with the name of the client's company, the neighbor thinks that the name sounds familiar. The neighbor can also provide the name of the girl that the applicant has been dating: her last name is the same as the client's.

Applicant's past employer — The applicant's past employer is available for the investigator to interview. The employer can certify that the applicant did his job well and was a dependable employee. The employer knows little about the applicant's personal life.

The private investigator's secretary — The secretary is preparing the written report of the investigation for the client. While typing, the secretary notices the name of the applicant. The secretary knows the applicant and starts to talk about the report to her girlfriend who has arrived to go out to lunch.

GUIDELINES

1. Explain the role of each player only to that particular person. The investigator must piece-together the information available from the different sources.

2. Explain to the investigator that he/she must interview the different players.

3. Be sure that the student whom you select to play the part of the investigator is someone who can accept criticism.

4. Discuss the role-play as a group afterward.

- Create additional Assignment Sheets, as needed, to reinforce the unit objectives and/or to meet the needs of students.

- Evaluate students on Assignment Sheet activities.

  IMPORTANT: The Assignment Sheets in *Private Security Training* are supplementary activities only. Students are not required to achieve a particular score on any Assignment Sheet in order to successfully complete any given unit.

EVALUATION

- Give the Written Test soon after presenting the unit, but not earlier than the next class session.

- Remind students throughout your presentation that the questions and required performance on each Written Test match the Specific Objectives stated at the beginning of the unit and the objectives discussed in the unit.

  NOTE: Explain that the questions on the Written Test are *not* multiple-choice.

- Review individual and group performance in order to evaluate teaching methods. Adjust your approach as needed.

REFERENCES

The *Fair Credit Reporting Act* (Public Law 91-508, Title VI, as amended by Public Law 95-598).

INFORMATION SHEET

COMPLYING WITH THE FAIR CREDIT REPORTING ACT III

OBJECTIVE 1

Match terms associated with the Fair Credit Reporting Act with their correct definitions.

Consumer — An individual.

EXAMPLE: In private investigations, a person who is the subject of a pre-employment investigation for your client.

Consumer report — Any written, oral, or other communication by your agency that (1) bears on a subject's credit-worthiness, credit standing or capacity, character, general reputation, personal characteristics, or mode of living, and that (2) is a factor in establishing the subject's eligibility for employment, insurance, credit, or for other purposes.

EXAMPLE: A private investigator often prepares a "consumer report" as defined in the Fair Credit Reporting Act when the investigator completes a pre-employment investigation on an individual. The investigator's report would usually be used by the client to establish the individual's eligibility for employment. (A report from a credit bureau would usually be used for insurance, credit, and other purposes.)

Consumer reporting agency — Any company that, for a fee, dues, or on a cooperative nonprofit basis, regularly assembles or evaluates employment or other information covered by the Act on a subject in order to provide consumer reports to third parties.

EXAMPLE: A private investigator would be acting as a "consumer reporting agency" as defined in the Fair Credit Reporting Act when the investigator collects information about an individual (the "consumer") as part of a pre-employment investigation on that individual for a client (the "third party").

Investigative consumer report — A consumer report containing information about the subject's character, general reputation, personal characteristics, or mode of living obtained through personal interviews with friends, neighbors, or associates.

OBJECTIVE 2

Explain the requirement for reporting public record information for employment purposes (from Section 613).

(1) If you provide any client with a report about a subject for purposes of employment, and

(2) if this report contains public record information about the subject that will probably have a negative effect on the subject's ability to secure employment, then

(3) you must report the current public record status of the information at the time of your report.

EXAMPLE: Public record information relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgements.

OBJECTIVE 3

Explain the restriction on investigative consumer reports (from Section 614).

For any adverse information that you receive that is more than three months old, except the public record information under Section 613, you must reverify the information when making your report.

OBJECTIVE 4

Explain the requirement for users of consumer reports (from Section 615a).

Any client who refuses to employ an individual in part or in whole because of information in your consumer report, must notify the individual and must provide your name and address to the individual.

OBJECTIVE 5

Distinguish among the costs for willful noncompliance and negligent noncompliance.

WILLFUL NONCOMPLIANCE (Section 616)

If you (the "consumer reporting agency") or your client (the user of your information) willfully fail to comply with any requirements relating to any consumer, you are liable to that individual in an amount equal to the sum

(1) for any actual damages sustained by the consumer as a result of your noncompliance;

(2) for the amount of punitive damages allowed by the court; and

(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

NOTE: Other costs could include damage to your professional reputation and loss of clients.

NEGLIGENT NONCOMPLIANCE (Section 617)

If you (the "consumer reporting agency") or your client (the user of your information) are negligent in failing to comply with any requirements relating to any consumer, you are liable to that individual in an amount equal to the sum of

(1) any actual damages sustained by the consumer as a result of your failure;

(2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

OBJECTIVE 6 **Select from a list the penalties for obtaining information under false pretenses (from Section 619).**

Any person who knowingly and willfully obtains information from you (the "consumer reporting agency") about a consumer under false pretenses will be

(1) fined not more than $5,000 or

(2) imprisoned not more than one year, or

(3) both.

NOTE: This Section applies to your clients (and others) who may request unauthorized information from you (the "consumer reporting agency").

OBJECTIVE 7 **Select from a list the penalties for unauthorized disclosures (from Section 620).**

Any officer or employee of a consumer reporting agency who knowingly and willfully provides information about an individual from the agency's files to a person not authorized to receive that information will be

(1) fined not more than $5,000 or

(2) imprisoned not more than one year, or

(3) both.

OBJECTIVE 8 **State basic guidelines for complying with the Fair Credit Reporting Act.**

- Identify the authorized users of your reports.
- Certify any client's need for any report.

80

- Protect the reputation of your business and the subjects of your investigations.

NOTE: Do not provide a report if you have reasonable grounds to believe that the report will not be used for any client's stated purpose allowed under the Act.

REPORTING PUBLIC RECORD INFORMATION FOR EMPLOYMENT PURPOSES

(1) If you provide any client with a report about a subject for purposes of employment, and

TM 1

REPORTING PUBLIC RECORD INFORMATION FOR EMPLOYMENT PURPOSES

(2) if this report contains public record information about the subject that will probably have a negative effect on the subject's ability to secure employment, then

TM 2

REPORTING PUBLIC RECORD INFORMATION FOR EMPLOYMENT PURPOSES

(3) you must report the current public record status of the information at the time of your report.

TM 3

INVESTIGATIVE CONSUMER REPORTS

For any adverse information that you receive that is more than three months old, except the public record information under Section 613, you must reverify the information when making your report.

USERS OF CONSUMER REPORTS

Any client who refuses to employ an individual in part or in whole because of information in your consumer report, must notify the individual and must provide your name and address to the individual.

TM 5

WILLFUL NONCOMPLIANCE

If you (the "consumer reporting agency") or your client (the user of your information) willfully fail to comply with any requirements relating to any consumer, you are liable to that individual in an amount equal to the sum

(1) for any actual damages sustained by the consumer as a result of your noncompliance;

TM 6

WILLFUL NONCOMPLIANCE

(2) for the amount of punitive damages allowed by the court; and

(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

TM 7

NEGLIGENT NONCOMPLIANCE

If you (the "consumer reporting agency") or your client (the user of your information) are negligent in failing to comply with any requirements relating to any consumer, you are liable to that individual in an amount equal to the sum of

(1) any actual damages sustained by the consumer as a result of your failure;

TM 8

NEGLIGENT NONCOMPLIANCE

(2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

TM 9

FALSE PRETENSES

Any person who knowingly and willfully obtains information from you (the "consumer reporting agency") about a consumer under false pretenses will be

(1) fined not more than $5,000 or

(2) imprisoned not more than one year, or

(3) both.

TM 10

UNAUTHORIZED DISCLOSURES

Any officer or employee of a consumer reporting agency who knowingly and willfully provides information about an individual from the agency's files to a person not authorized to receive that information will be

(1) fined not more than $5,000 or

(2) imprisoned not more than one year, or

(3) both.

TM 11

BASIC GUIDELINES

- Identify the authorized users of your reports.
- Certify any client's need for any report.
- Protect the reputation of your business and the subjects of your investigations.

TM 12

ASSIGNMENT SHEET 1

COMPLYING WITH THE FAIR CREDIT REPORTING ACT

Name ______________________ Score __________

OBJECTIVE 9 **Comply with the Fair Credit Reporting Act during a pre-employment investigation.**

DIRECTIONS

- Observe the role-play created by your instructor. Take notes if needed.
- After the role-play is finished, answer the following questions.

1. What did the investigator do correctly?

2. If you were the investigator, what would you have done differently?

COMPLYING WITH THE FAIR CREDIT REPORTING ACT

ASSIGNMENT SHEET 1

Evaluate the role-play in terms of the following:

- Did the investigator obtain a signed statement from the client of the intended purpose of the investigation? The investigation should have revealed to the investigator that the client may have had a different reason for contracting for the investigation, other than the client's stated reason.
- Did the investigator reverify the information about the applicant's money problems? The investigator should have done this by obtaining similar statements from more than one source. (See Objective 3.)
- Did the investigator act to prevent any unauthorized disclosures (when the secretary began to talk)? (See Objective 7.)

WRITTEN TEST

COMPLYING WITH THE FAIR CREDIT REPORTING ACT

Name ______________________ Score ________

OBJECTIVE 1

Match terms associated with the Fair Credit Reporting Act with their correct definitions. Write the correct letter in each blank.

a. Consumer
b. Consumer report
c. Consumer reporting agency
d. Investigative consumer report

______1. Any company that, for a fee, dues, or on a cooperative nonprofit basis, regularly assembles or evaluates employment or other information covered by the Act on a subject in order to provide consumer reports to third parties.

______2. An individual.

______3. Any written, oral, or other communication by your agency that (1) bears on a subject's credit worthiness, credit standing or capacity, character, general reputation, personal characteristics, or mode of living, and that (2) is a factor in establishing the subject's eligibility for employment, insurance, credit, or for other purposes.

______4. A consumer report containing information about the subject's character, general reputation, personal characteristics, or mode of living obtained through personal interviews with friends, neighbors, or associates.

OBJECTIVE 2

Explain the requirement for reporting public record information for employment purposes (from Section 613).

(1) ______________________________________

____

____

(2) ______________________________________

____

____

(3) ______________________________

OBJECTIVE 3 **Explain the restriction on investigative consumer reports (from Section 614).**

OBJECTIVE 4 **Explain the requirement for users of consumer reports (from Section 615a).**

OBJECTIVE 5 **Distinguish among the costs for willful noncompliance and negligent noncompliance.** In each blank, write "WN" for willful noncompliance, "NN" for negligent noncompliance, or "B" if the cost applies to both willful and negligent noncompliance.

______1. For any actual damages sustained by the consumer as a result

______2. For the amount of punitive damages allowed by the court

______3. In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

OBJECTIVE 6

Select from a list the penalties for obtaining information under false pretenses (from Section 619). Write an X in the blank beside each penalty that applies.

______1. Fined not more than $5,000

______2. Fined not more than $10,000

______3. Fined not more than $15,000

______4. Imprisoned not more than one year

______5. Imprisoned not less than one year

______6. Both fine and imprisonment

OBJECTIVE 7

Select from a list the penalties for unauthorized disclosures (from Section 620). Write an X in the blank beside each penalty that applies.

______1. Fined not more than $5,000

______2. Fined not more than $10,000

______3. Fined not more than $15,000

______4. Imprisoned not more than one year

______5. Imprisoned not less than one year

______6. Both fine and imprisonment

OBJECTIVE 8

State basic guidelines for complying with the Fair Credit Reporting Act.

1. ____

____

2. ____

____

3. ____

____

NOTICE

The Assignment Sheet in this unit is not part of the written test. If you have not completed this Assignment Sheet, check with your instructor.

WRITTEN TEST ANSWERS

COMPLYING WITH THE FAIR CREDIT REPORTING ACT

III

OBJECTIVE 1

1. Consumer reporting agency
2. Consumer
3. Consumer report
4. Investigative consumer report

OBJECTIVE 2

(1) If you provide any client with a report about a subject for purposes of employment, and

(2) if this report contains public record information about the subject that will probably have a negative effect on the subject's ability to secure employment, then

(3) you must report the current public record status of the information at the time of your report.

OBJECTIVE 3

For any adverse information that you receive that is more than three months old, except the public record information under Section 613, you must reverify the information when making your report.

OBJECTIVE 4

Any client who refuses to employ an individual in part or in whole because of information in your consumer report, must notify the individual and must provide your name and address to the individual.

OBJECTIVE 5

1. B
2. WN
3. B

OBJECTIVE 6

1, 4, 6

OBJECTIVE 7

1, 4, 6

OBJECTIVE 8 In any order:

- Identify the authorized users of your reports.
- Certify any client's need for any report.
- Protect the reputation of your business and the subjects of your investigations.

NOTICE The Assignment Sheet in this unit is not part of the written test.

OBJECTIVE SHEET

CONDUCTING INVESTIGATIONS AND SURVEILLANCE IV

INTRODUCTION

Private investigators may be involved in conducting civil and criminal investigations. Surveillance is one method of securing information related to such investigations. More common "tools" of investigation include interpreting the chain of evidence, assessing a scene after the fact, and reconstructing a scene. A private investigator is rarely at the scene just after the fact, but must often determine the original condition of a scene or the details of an incident.

UNIT OBJECTIVE

After completing this unit, you will be familiar with basic considerations for conducting investigations and surveillance activities. This ability will be evidenced by completing assignment sheets and by scoring an eighty-five percent (85%) on the written test.

SPECIFIC OBJECTIVES

After completing this unit, you will be able to

1. Match common terms associated with investigation and surveillance with their correct definitions.
2. List common types of civil and criminal investigations.
3. Distinguish among types of evidence.
4. Match criteria for the admissibility of evidence to their correct descriptions.
5. Explain the importance of the chain of evidence in private investigations.
6. State basic questions useful for interpreting the chain of evidence.
7. State basic questions useful for assessing the scene (after the fact).
8. Identify possible uses for sketches in private investigations.
9. Distinguish among methods of sketching.
10. List information useful for identifying sketches.
11. Identify possible uses for photographs in private investigations.
12. State the factors that work together for a properly-exposed photograph.

13. State basic guidelines useful for reconstructing a scene.

14. Select from a list basic guidelines for conducting a surveillance.

15. Select from a list basic guidelines for using recording devices.

16. Select from a list basic guidelines for videotaping.

17. State categories of information useful for documenting film and videotape.

18. Select from a list basic guidelines for writing surveillance reports.

19. Identify possible uses for in-house investigations.

20. Select from a list basic guidelines for conducting in-house investigations.

21. Explain the importance of fingerprints.

22. State basic guidelines for preserving fingerprints.

23. Distinguish among benefits of blood analysis, hair analysis, and fiber analysis.

24. Distinguish among limitations of blood analysis, hair analysis, and fiber analysis.

25. List benefits of glass fracture analysis.

26. State basic guidelines for handling broken glass.

27. Prepare a written report about surveillance activities. (Assignment Sheet 1.)

SUGGESTED ACTIVITIES

CONDUCTING INVESTIGATIONS AND SURVEILLANCE IV

PREPARATION

1. Supplement this unit with additional resources.
2. Review the unit and plan your presentation.
   - a. Estimate the amount of material that can be covered in each class session.
   - b. Plan for appropriate Assignment Sheets.
   - c. Identify objectives that you can supplement with other resources.
   - d. Invite guest speakers in advance.
3. Design transparencies and handouts to reinforce the objectives in each unit, to provide additional information, or to facilitate in-class activities.
4. Make students aware of the licensing examination to be administered by CLEET. Refer to the *Oklahoma Private Security Rules and Regulations*.

DELIVERY

Objective 1

- Create a scenario involving the chain of evidence. Explain why a private investigator should be concerned with the chain of evidence.
- Discuss circumstances where the client's needs might best be met through an in-house investigation.
- Give examples of situations and possible pretexts.

Objective 2

- Show TM 1 and TM 2.
- Invite licensed private investigators to discuss their jobs.

Objective 3-4

- Discuss examples of each type of evidence.
- Show TM 3.

Objective 5-6

- Create scenarios involving the chain of evidence. Include examples of a proper and improper chain of evidence. For scenarios involving an improper chain of evidence, ask students to explain why they would question the value of the evidence collected and how they would document the improper chain of evidence.

  EXAMPLE: One example of a proper chain of evidence could involve a private investigator requiring an employee at a film processing business to certify that the employee was the only person who had access to the film that the investigator wants developed. The employee could also agree to testify in court, if needed. One example of a possible improper chain of evidence could involve employees at a hospital who handle blood samples. One of these samples may have been submitted by a police department as evidence. The hospital employees might have left he particular sample vulnerable on a desk for a short period of time.

- For Objective 6, suggest that students know the key word in each question, as a helpful hint for learning the questions.

- Show TM 4 and TM 5.

Objective 7

- Discuss how the answers to these questions could assist the private investigator.

- Show TM 6 and TM 7.

Objective 8-10

- Demonstrate a useful sketch. Then, ask students to make rough sketches. One example is to ask students to sketch the room and the position of an object in the room, such as a desk or chair. Provide any needed dimensions.

- Show TMs 8-11.

Objective 11-12

- Show examples of poorly-exposed and properly-exposed photographs. Explain why the poorly-exposed photographs would not be useful as evidence or to further an investigation.

- Copy and distribute Handout 1, if needed.
- Show TM 12.

Objective 13

- Give examples of sources of information about the original condition of a scene or the details of an incident.
- Give examples of sources of expert testimony.
- Explain the importance of complete written reports for a successful business in the field of private investigations. Relate these reports to the investigator's responsibilities to clients.
- Show TM 13 and TM 14.

Objective 14-17

- Review the standard description of a vehicle, the standard description of a person, and the phonetic alphabet from Unit IV in the Phase 1 training program.
- Ask students to describe you, following the points and order in the standard description of a person. Collect the descriptions, and critique selected descriptions with the class. (Do not identify the name of the student who wrote the description.) Include a role-playing exercise: dim the lights, stand further away; ask students to describe you (or another student). Evaluate each role-play as a group.
- Ask students to describe their cars following the standard description of vehicles.
- Allow students to handle a 35 mm camera and a video camera.
- Have groups of two or more students write and videotape a surveillance scenario. Discuss each videotaped scenario as a group.
- Show TMs 15-21.

Objective 18

- Discuss the importance of each guideline.
- Show TMs 22-24.

Objective 19-20

- Discuss circumstances where the client's needs might best be met through an in-house investigation.
- Give examples of situations and possible pretexts.
- Discuss typical pre-employment documents that job applicants must complete, which could require private investigators to reveal their true identity.
- Show TMs 25-29.

Objective 21-22

- Explain circumstances where private investigators might be concerned with preserving fingerprints.

Objective 23-26

- Explain each benefit and each limitation. Give examples if possible.
- Discuss the benefits and limitations of DNA analysis.
- Invite a forensics expert to talk to the class.
- Show TMs 30-36.

APPLICATION

Objective 27

- Introduce Assignment Sheet 1. Have students conduct a surveillance for one (1) hour. You provide the details of the assignment. Have students prepare a complete written report of their surveillance activities.
- Create additional Assignment Sheets, as needed, to reinforce the unit objectives and/or to meet the needs of students.
- Evaluate students on Assignment Sheet activities.

IMPORTANT: The Assignment Sheets in *Private Security Training* are supplementary activities only. Students are not required to achieve a particular score on any Assignment Sheet in order to successfully complete any given unit.

EVALUATION

- Give the Written Test soon after presenting the unit, *but not earlier than the next class session.*

- Remind students throughout your presentation that the questions and required performance on each Written Test match the Specific Objectives stated at the beginning of the unit and the objectives discussed in the unit.

  NOTE: Explain that the questions on the Written Test are *not* multiple-choice.

- Review individual and group performance in order to evaluate teaching methods. Adjust your approach as needed.

REFERENCES

- Definitions of the terms material, relevant, important, and competent adapted with permission of West Publishing Company from *Principles of Investigation* by John P. Kenney and Harry W. More, Jr., 1979.

- Information about blood analysis, hair analysis, fiber analysis, and glass fracture analysis used with permission from the Center for Instructional Development and Services, Florida State University, from *Criminal Justice Systems*, Student Guide, Block VI, 1985.

BASIC PHOTOGRAPHY TERMS

1. Depth of Field — the range or area within which objects are in *sharp focus*.

2. Diaphragm — a fixed or adjustable device that controls the size of the lens opening or "aperture."

3. Exposure — the process of exposing film to light.

   NOTE: A poorly-exposed photograph will lose its value to investigative work because it will not show details clearly.

4. Film Speed — the degree of a film's *sensitivity to light*, shown in numbers on the film package according to ratings by the American Standards Association (ASA) or the International Standards Organization (ISO). *The higher the number, the higher the film speed* and the less light needed for a correct exposure.

5. Focal length — the distance from the optical center of the lens to the film plane when the camera is focused on infinity. The focal length affects the size of the resulting image, i.e., a long focal length — large image size.

6. Focus — the degree of sharpness and clarity in a photograph, *automatically adjusted in some cameras*.

   NOTE: A photograph that is out of focus will lose its value to investigative work because it will not show details clearly.

7. Lens — collects the light rays reflected from an object and focuses them on film to form a sharp image. The lens opening or "aperture" controls the *amount of light* passing through the lens.

   NOTE: A telephoto lens is valuable for surveillance work because it can make a large image of something that is far away.

8. Light Meter — determines the amount of light needed for a correct exposure and controls the lens opening, shutter speed, or both. Most cameras have a built-in light meter that automatically adjusts the proper settings.

9. Shutter — exposes the film to light by opening and closing the aperture, controlling the length of time that light passes through the lens and reaches the film.

OBJECTIVE 1

Match common terms associated with investigation and surveillance with their correct definitions.

Chain of evidence/custody — the number of people who handle an item of evidence from the time the evidence is collected to the time that evidence is used to close a case

Forensics — applying scientific procedures to determine legal evidence

EXAMPLE: Ballistics, autopsies, blood analysis, glass fracture analysis

In-house investigation — working within an organization, often under another identity or pretext, to collect information

Pretext — the justification of in-house investigation activities

EXAMPLE: If you are conducting an internal investigation of the quality control personnel at a client's facility, your pretext for investigating could be your position as a new employee in the quality control department.

Surveillance — a type of undercover investigation used to obtain information about a subject's location and activities through close observation without that subject's knowledge

EXAMPLE: Following someone on foot, following someone while in a vehicle

OBJECTIVE 2

List common types of civil and criminal investigations.

CIVIL INVESTIGATIONS

- Locating witnesses
- Investigating insurance or worker's compensation claims
- Determining the character and reputation of a client's job applicants (pre-employment investigation)

CRIMINAL INVESTIGATIONS

- Conducting factory or store surveillance
- Investigating crimes from petty theft to robbery

  NOTE: This task may be a part of factory or store surveillance.

OBJECTIVE 3

Distinguish among types of evidence.

NOTE: As a private investigator, you will probably not collect many items of evidence. However, you must know whether collected evidence was *properly* collected.

Direct evidence — evidence that proves a fact without being open to inference

EXAMPLE: Statements from witnesses, confessions from suspects

Indirect evidence — evidence that does not directly prove a fact, but that allows a logical inference to be made (allows a conclusion to be drawn); also called circumstantial evidence

Real evidence — evidence that replaces verbal evidence; the physical evidence that *shows* what verbal evidence *describes*

OBJECTIVE 4

Match criteria for the admissibility of evidence to their correct descriptions.

NOTE: A judge has the final word on the admissibility of evidence. Any evidence collected illegally or without proper regard for the rights of others is inadmissible, regardless of whether the evidence meets the following criteria.

Material — relating to a legal question at issue in a case

Relevant — proving the proposition that it is offered to prove

Important — having enough value to outweigh other factors, such as the time needed to present the evidence, whether the evidence may distract jurors, and other factors

Competent — not violating any of a number of "exclusionary rules," such as the hearsay rule

OBJECTIVE 5

Explain the importance of the chain of evidence in private investigations.

A private investigator is rarely at the scene just after the fact. Therefore, a private investigator will often deal with evidence *that someone else has collected.* The greater the number of people who handle or who have access to collected evidence, the greater the risk that the evidence can be poorly handled. A poor chain of evidence can raise questions about the value of the evidence. It can also cause the evidence to be *inadmissible* in court. A private investigator must be able to interpret the chain of evidence.

OBJECTIVE 6

State basic questions useful for interpreting the chain of evidence.

- How was the evidence *recorded*?
- Who *collected* the evidence?

  NOTE: Consider whether more than one person collected the evidence, and whether all persons involved were *authorized* to handle the evidence.

- How was the evidence *preserved* during and after collection?

  NOTE: Consider whether the evidence was properly stored in the right type of container.

- Was the container *marked* for a positive ID?

  NOTE: The evidence could lose some of its value if the evidence itself was marked, instead of the container.

- Was the evidence properly *packed* for handling and shipping?
- Is each *transfer* of the evidence from one handler to another recorded in some way?

OBJECTIVE 7

State basic questions useful for assessing the scene (after the fact).

- Was the scene clear of unauthorized persons?
- Were any witnesses at the scene?
- Were any written statements taken at the scene?

  NOTE: Look for clues about the original condition of the scene and the details of the incident, from written statements, interviews with witnesses, or other sources.

- Was the scene recorded in some way?

  NOTE: A scene could have been recorded using photographs, videotape, or sketches. Documents such as blueprints, road and construction plans, public records, hospital and medical records, newspaper articles, letters, equipment inspection and maintenance reports, and other written materials can also describe a scene at the time of an incident.

- Was the chain of evidence proper?

OBJECTIVE 8

Identify possible uses for sketches in private investigations.

- Document the scene for later analysis

  NOTE: A rough sketch of a scene can help you to reconstruct the scene later.

- Describe the evidence and the possible relationship between items of evidence
- Highlight certain parts of the scene

OBJECTIVE 9

Distinguish among methods of sketching.

Coordinate method — measuring the distance of objects from fixed points such as walls and windows

Triangulation method — choosing two points, then measuring the distance from the item of evidence to each of the points; often used outdoors and where fixed points are not available

Cross-projection method — showing all of the items in a scene as one-dimensional or flat; often used when most evidence is indoors

OBJECTIVE 10

List information useful for identifying sketches.

NOTE: The following information will help to document any sketches and limit the chain of evidence.

- Name and physical position of the person making the sketch
- Date/time/location
- Type of incident
- Case number
- Reference points (or compass bearings)
- Scale of items
- Legend of symbols or numbers
- Names of other persons involved

OBJECTIVE 11

Identify possible uses for photographs in private investigations.

- Provide an impartial record

  EXAMPLE: Cases involving accidents, injuries, product liability

- Add to witness testimony
- Help jurors to reach a decision

  NOTE: A photograph must impartially aid jurors, be confirmed by the testimony of witnesses, and be identified by the photographer.

OBJECTIVE 12

State the factors that work together for a properly-exposed photograph.

- Amount of light

  NOTE: A photograph that is overexposed or underexposed will not show details clearly.

- Size of lens opening

  NOTE: The size of the lens opening and the shutter speed determine the amount of light that reaches the film.

- Shutter speed

  NOTE: The shutter speed controls the length of time that the shutter is open, allowing light to pass through the lens to the film. A "fast" shutter speed allows less light to pass through the lens than a "slow" shutter speed. For proper exposure, use (1) a slow shutter speed with a smaller lens opening, or (2) a fast shutter speed with a larger lens opening.

- Film speed

  NOTE: A higher-speed film needs less light for a proper exposure (such as for night photography or when taking photographs in a dark area). A slower-speed film needs more light for a proper exposure.

OBJECTIVE 13

State basic guidelines useful for reconstructing a scene.

- Determine the *original* condition of the scene or details of the incident.

  NOTE: *Time is damaging.* The more time that passes between an incident and the time that you reconstruct the incident, the more difficult your job will be.

- Collect *new* information.

  EXAMPLE: Sources include imprints, fingerprints, skid marks, damage to the surroundings, test results, new testimony

- Create large-scale drawings that cover many angles.

  NOTE: These drawings should be suitable for use in court.

- Support your theory of how the accident or incident occurred.

  NOTE: Obtain expert testimony from certified experts in specific fields, such as forensics experts, accident investigations experts, and other persons; from lab results or chemical and/or mechanical test results; or from your reenactment of the scene or incident. *Locating sources of expert testimony is one of your most valuable skills.*

- Prepare a complete written report of your investigation and conclusions.

OBJECTIVE 14

Select from a list basic guidelines for conducting a surveillance.

- Have a complete description of the person(s) under surveillance before you begin.

  NOTE: You must be able to positively identify the subject.

- Choose the right location.

  EXAMPLE: In a crowd, in a room with a clear view of the individual, places that the individual is known to visit, out of the subject's range of vision (requiring binoculars or a camera), while following the individual on foot or in a vehicle

- Have a pretext for your presence.

  NOTE: You should be able to explain your activities, if needed. However, do not enter onto private property unless (1) the public would normally have access, (2) the entry would not constitute a trespass or other violation of the law, or (3) you have written permission to be on the property.

- Avoid drawing attention by your actions, choice of clothes, vehicle, or driving habits.

- Record your observations.

  NOTE: When following someone in a vehicle, consider recording your observations on a mini cassette recorder, then write your notes from the tape later. Or, have a partner drive while you take notes. Always keep a written record.

- End the surveillance at the right time.

  EXAMPLE: When the surveillance is no longer useful, or when you are in danger of being discovered

Uses of Surveillance

A private investigator can gather valuable information through surveillance that might not be available through other sources, such as through interviews or public records. However, surveillance assignments can require a lot of time and cannot guarantee positive results. You also run the risk of being discovered by the person(s) under surveillance. If following someone from a vehicle, you must be careful to concentrate on driving as well as observing. For these reasons, and others, surveillance is a "risky" method of investigation. *You should determine your client's needs first.* You may save time (and expense for your client) by using other sources of information. Surveillance might not be necessary to solve your client's problem.

OBJECTIVE 15

Select from a list basic guidelines for using recording devices.

- Record conversations legally.

  NOTE: You can record a conversation if you are a party to the conversation, either by phone or in person; if you have the permission of one of the parties to the communication to use a recording device; or if you can hear the conversation in a public or semi-public place (including the use of an amplifier, if needed).

- Copy recordings onto paper.

  NOTE: Tapes could be lost, stolen, or damaged.

OBJECTIVE 16

Select from a list basic guidelines for videotaping.

- Use your equipment correctly.

  NOTE: Poor filming techniques can ruin the value of your film as evidence. Be familiar with the correct way to operate your equipment.

- Verify the subject and the subject's activities.

  NOTE: You must be able to positively identify the subject and the subject's specific actions.

- Photograph *complete acts.*

  EXAMPLE: Single or continuous acts or other activities that are inconsistent with the person's allegations (such as heavy lifting when the person claims a back injury)

The Value of Videotape

Videotape is widely used in business and industry as an effective surveillance tool. Banks and convenience stores are common examples of businesses that depend on video surveillance. Other examples of the uses of videotape as a surveillance tool include corporations large and small, some federal government offices, and even parking garages.

For private investigators, videotape can be very important to the success of an investigation because videotape is often admissible in court. For example, videotaped evidence can be one of your most valuable methods of exposing a fraudulent insurance or worker's compensation claim. In such cases, the private investigator is trying to record activities that are inconsistent with the subject's *claimed* disability or other allegation. The videotape could show the subject stooping over and lifting a heavy object when the subject has claimed a back injury. What other examples can you think of?

OBJECTIVE 17

State categories of information useful for documenting film and videotape.

NOTE: Before presenting film or videotape as evidence, you should document the film or videotape completely.

- Subject information

  EXAMPLE: Name and address; claimed impairment; verified ID of the subject

- Camera ID

  EXAMPLE: Model and serial number; manufacturer; owner's name and address; record of personal inspection and testing of photographic or video equipment before each use

- Film ID

  EXAMPLE: Type of film and film speed; name and address of film processor; processor's statement that the film has not been tampered with (to limit the chain of evidence)

- Surveillance information

  EXAMPLE: Date and time of the surveillance; exact times and descriptions of subject's activities; distances from the subject; vantage points for photographs and videotaping (across the street, from a vehicle, from a nearby building, etc.)

OBJECTIVE 18

Select from a list basic guidelines for writing surveillance reports.

- Include *exact* times.

  NOTE: Your time entries should account for every minute of the surveillance and should be consistent with the time charges to your client.

- Identify the full names of persons.
- Indent descriptions of persons and vehicles.

  NOTE: Describe the subject for *each day* of the surveillance.

- List correct addresses.
- Describe the subject's activities completely.
- Support written reports with film, videotape, and/or recordings as needed.

  NOTE: The details of your investigation should not be open to interpretation.

OBJECTIVE 19

Identify possible uses for in-house investigations.

- Conduct a security check or background investigation
- Conduct a surveillance
- Determine the reliability of information provided
- Justify a search warrant

OBJECTIVE 20

Select from a list basic guidelines for conducting in-house investigations.

- Maintain an acceptable *pretext.*

  NOTE: Do not reveal your identity or discuss your assignment with *anyone.*

- Follow company rules, regulations, and procedures.

  NOTE: A private investigator must follow all normal procedures at the job site, in order to maintain the investigator's pretext.

- Avoid taking insurance plans, credit programs, or other benefits.

  NOTE: These benefits might require you to provide information about your true identity.

- Arrive at work early and leave late.

- Do not miss work.

  NOTE: Be on the job every day unless you absolutely cannot avoid being absent. You might have been able to solve your client's problem on a day that you were absent.

- Do your job correctly.

  NOTE: You could be fired for poor performance on the job, just like any other employee of the company. If you lose your job, your client cannot place you in a believable position to continue your investigation.

- Associate with your co-workers.

  EXAMPLE: Take normal breaks with co-workers.

- Report on specific activities or operations at the job site.

  EXAMPLE: Personnel and application procedures; job instructions and tasks; theft or vandalism; supervision and management; employee activities and morale; safety and protective measures

Showing Initiative

Your success as a private investigator depends very much on the quality of the services that you provide to your clients. The business of private investigations is competitive. Showing initiative can benefit your relationship with your clients and help your clients justify their decision to use *your* services. When reporting, you can do this by going beyond your client's expectations: report on the good employees and procedures that you find at the client's job site, in addition to your agreed-upon areas of emphasis.

OBJECTIVE 21

Explain the importance of fingerprints.

Fingerprints are important because they provide unique records that are *never* identical, make skin deformities or surgery easily visible, and cannot be successfully forged.

OBJECTIVE 22

State basic guidelines for preserving fingerprints.

NOTE: Private investigators will usually be concerned with *preserving* fingerprints (and other forensic evidence) for later analysis and interpretation by a laboratory.

- Avoid touching any item that might contain fingerprints.
- Preserve items containing fingerprints in a well-packaged container.

  NOTE: Paper retains fingerprints longer than some other materials.

- Send fingerprints to a laboratory for analysis.

  NOTE: Limit the *chain of evidence.*

OBJECTIVE 23

Distinguish among benefits of blood analysis, hair analysis, and fiber analysis.

BLOOD ANALYSIS

- Can prove that a stain did not come from a particular person
- Can give details about the *contents* of a person's blood

  EXAMPLE: Whether the person consumed alcohol, drugs, or both

- Can provide evidence such as hair, fibers, cloth weave patterns, and fingerprint impressions

HAIR ANALYSIS

- Could place a person at a scene
- Could place a vehicle at a scene

  EXAMPLE: Hair found on the outside and/or inside of a vehicle

- Can help identify the weapon or instrument used in a crime

  EXAMPLE: Hairs on tools, knives, and other instruments

FIBER ANALYSIS

- Could place a person at a scene

  EXAMPLE: Fibers left at the scene or transferred from one person to another

- Could place a vehicle at a scene

  EXAMPLE: Fibers from a person's clothing left inside or outside a vehicle

- Can identify weapons or instruments used in a crime

  EXAMPLE: Fibers found in blood samples

OBJECTIVE 24 **Distinguish among limitations of blood analysis, hair analysis, and fiber analysis.**

BLOOD ANALYSIS

- Cannot prove that a stain came from a particular person
- Cannot reveal the *race* of a person beyond doubt
- Cannot reveal the age of a dried stain

HAIR ANALYSIS

- Involves samples that are often hard to find because they are *small* and *fine*
- Can *support* other evidence, but is not usually valuable for initially identifying a person
- Cannot reveal age

FIBER ANALYSIS

- Can *support* other evidence, but is not usually valuable for initially identifying a person
- Involves samples that are usually *small, hard to find,* and can be easily contaminated (requiring special care in handling)

OBJECTIVE 25 **List benefits of glass fracture analysis.**

- Can identify individual pieces of glass

  NOTE: Many different formulas are used to make glass.

- Can show the direction from which the glass was broken
- Can show which bullet was fired first out of a number of bullets
- Can show the direction of the start of a *fire*

  NOTE: The way that a light bulb has melted can be useful during an arson investigation to identify the direction of the start of a fire.

- Can help place a person at a scene

  EXAMPLE: Fingerprints, hair, or fibers left on glass at the scene compared to those found on a person or vehicle; glass fragments found on a person's clothes

OBJECTIVE 26 **State basic guidelines for handling broken glass.**

- Immediately photograph the broken glass.

  NOTE: Photograph the glass before it breaks or shatters further.

- Handle glass fragments by their edges with gloves.
- Package glass fragments from different positions separately.

  EXAMPLE: Package glass found on the floor inside a broken window, the glass outside the broken window, and the glass inside the frame of the broken window in three different containers.

- Package glass in rigid containers to prevent breakage.

  NOTE: Paper bags, envelopes, and plastic bags cannot adequately protect glass fragments during shipment.

- Label the contents of each container *on the container*.
- Send the glass to a laboratory for analysis.

CIVIL INVESTIGATIONS

- Locating witnesses
- Investigating insurance or worker's compensation claims
- Determining the character and reputation of a client's job applicants (pre-employment investigation)

TM 1

CRIMINAL INVESTIGATIONS

- Conducting factory or store surveillance
- Investigating crimes from petty theft to robbery

NOTE: This task may be a part of factory or store surveillance.

TM 2

ADMISSIBILITY OF EVIDENCE

Material — relating to a legal question at issue in a case

Relevant — proving the proposition that it is offered to prove

Important — having enough value to outweigh other factors, such as the time needed to present the evidence, whether the evidence may distract jurors, and other factors

Competent — not violating any of a number of "exclusionary rules," such as the hearsay rule

TM 3

INTERPRETING THE CHAIN OF EVIDENCE

- How was the evidence *recorded*?
- Who *collected* the evidence?

  NOTE: Consider whether more than one person collected the evidence, and whether all persons involved were *authorized* to handle the evidence.

- How was the evidence *preserved* during and after collection?

  NOTE: Consider whether the evidence was properly stored in the right type of container.

TM 4

INTERPRETING THE CHAIN OF EVIDENCE

- Was the container *marked* for a positive ID?

  NOTE: The evidence could lose some of its value if the evidence itself was marked, instead of the container.

- Was the evidence properly *packed* for handling and shipping?
- Is each *transfer* of the evidence from one handler to another recorded in some way?

TM 5

ASSESSING THE SCENE (AFTER THE FACT)

- Was the scene clear of unauthorized persons?
- Were any witnesses at the scene?
- Were any written statements taken at the scene?

NOTE: Look for clues about the original condition of the scene and the details of the incident, from written statements, interviews with witnesses, or other sources

TM 6

ASSESSING THE SCENE (AFTER THE FACT)

- Was the scene recorded in some way?

  NOTE: A scene could have been recorded using photographs, videotape, or sketches. Documents such as blueprints, road and construction plans, public records, hospital and medical records, newspaper articles, letters, equipment inspection and maintenance reports, and other written materials can also describe a scene at the time of an incident.

- Was the chain of evidence proper?

TM 7

USES FOR SKETCHES

- Document the scene for later analysis

  NOTE: A rough sketch of a scene can help you to reconstruct the scene later.

- Describe the evidence and the possible relationship between items of evidence

- Highlight certain parts of the scene

TM 8

METHODS OF SKETCHING

Coordinate method — measuring the distance of objects from fixed points such as walls and windows

TM 9

METHODS OF SKETCHING

Triangulation method — choosing two points, then measuring the distance from the item of evidence to each of the points; often used outdoors and where fixed points are not available

TM 10

METHODS OF SKETCHING

Cross-projection method — showing all of the items in a scene as one-dimensional or flat; often used when most evidence is indoors

TM 11

USES FOR PHOTOGRAPHS

- Provide an impartial record

  EXAMPLE: Cases involving accidents, injuries, product liability

- Add to witness testimony
- Help jurors to reach a decision

  NOTE: A photograph must impartially aid jurors, be confirmed by the testimony of witnesses, and be identified by the photographer.

TM 12

RECONSTRUCTING A SCENE

- Determine the *original* condition of the scene or details of the incident.

  NOTE: *Time is damaging.* The more time that passes between an incident and the time that you reconstruct the incident, the more difficult your job will be.

- Collect *new* information.

  EXAMPLE: Sources include imprints, fingerprints, skid marks, damage to the surroundings, test results, new testimony

TM 13

RECONSTRUCTING A SCENE

- Create large-scale drawings that cover many angles.

  NOTE: These drawings should be suitable for use in court.

- Support your theory of how the accident or incident occurred.

  NOTE: Obtain expert testimony from certified experts in specific fields, such as forensics experts, accident investigations experts, and other persons; from lab results or chemical and/or mechanical test results; or from your reenactment of the scene or incident. *Locating sources of expert testimony is one of your most valuable skills.*

- Prepare a complete written report of your investigation and conclusions.

TM 14

CONDUCTING A SURVEILLANCE

- Have a complete description of the person(s) under surveillance before you begin.

  NOTE: You must be able to positively identify the subject.

- Choose the right location.

  EXAMPLE: In a crowd, in a room with a clear view of the individual, places that the individual is known to visit, out of the subject's range of vision (requiring binoculars or a camera), while following the individual on foot or in a vehicle

TM 15

CONDUCTING A SURVEILLANCE

- Have a pretext for your presence.

  NOTE: You should be able to explain your activities, if needed. However, do not enter onto private property unless (1) the public would normally have access, (2) the entry would not constitute a trespass or other violation of the law, or (3) you have written permission to be on the property.

- Avoid drawing attention by your actions, choice of clothes, vehicle, or driving habits.

TM 16

CONDUCTING A SURVEILLANCE

- Record your observations.

  NOTE: When following someone in a vehicle, consider recording your observations on a mini cassette recorder, then write your notes from the tape later. Or, have a partner drive while you take notes. Always keep a written record.

- End the surveillance at the right time.

  EXAMPLE: When the surveillance is no longer useful, or when you are in danger of being discovered

STANDARD DESCRIPTION OF A PERSON

IMPORTANT: Describe a person using these points in this order.

1. Name (if available)
2. Race
    a. White, not of Hispanic origin
    b. American Indian or Native Alaskan
    c. Black, not of Hispanic origin
    d. Hispanic
    e. Asian or Pacific Islander
3. Sex
4. Age (bracket)
5. Height (bracket)
6. Weight (bracket)
7. Hair (color, length, style)
8. Eye color
9. Complexion
10. Physical characteristics
11. Clothing (style and condition) from head to foot
    a. Shirt or tie
    b. Coat or jacket
    c. Slacks
    d. Socks
    e. Shoes
    f. Other items

TM 18

STANDARD DESCRIPTION OF A VEHICLE

IMPORTANT: Describe a vehicle using these points in this order.

1. Color
2. Year (as close as possible)
3. Make or model
4. Body (sedan, hard top, convertible, etc.)
5. Tag number
6. Other information (missing parts, etc.)

TM 19

THE PHONETIC ALPHABET

A	Adam
B	Baker
C	Charles
D	David
E	Edward
F	Frank
G	George
H	Henry
I	Ida
J	John
K	King
L	Lincoln
M	Mary
N	Nora
O	Ocean
P	Paul
Q	Queen
R	Robert
S	Sam
T	Tom
U	Union
V	Victor
W	William
X	X-Ray
Y	Young
Z	Zebra

TM 20

GUIDELINES FOR VIDEOTAPING

- Use your equipment correctly.

  NOTE: Poor filming techniques can ruin the value of your film as evidence. Be familiar with the correct way to operate your equipment.

- Verify the subject and the subject's activities.

  NOTE: You must be able to positively identify the subject and the subject's specific actions.

- Photograph *complete acts.*

  EXAMPLE: Single or continuous acts or other activities that are inconsistent with the person's allegations (such as heavy lifting when the person claims a back injury)

TM 21

WRITING
SURVEILLANCE REPORTS

- Include *exact* times.

  NOTE: Your time entries should account for every minute of the surveillance and should be consistent with the time charges to your client.

- Identify the full names of persons.

- Indent descriptions of persons and vehicles.

  NOTE: Describe the subject for *each day* of the surveillance.

TM 22

WRITING SURVEILLANCE REPORTS

- List correct addresses.
- Describe the subject's activities completely.
- Support written reports with film, videotape, and/or recordings as needed.

NOTE: The details of your investigation should not be open to interpretation.

TM 23

GUIDELINES FOR WRITING NARRATIVE REPORTS

1. PLAN the report.
2. ARRANGE information logically.
3. WRITE clearly and legibly.
4. USE the first-person form.

   EXAMPLE: "I wrote," instead of "the officer wrote."

5. USE short, common words and explain any necessary technical terms.
6. KEEP sentences and paragraphs short.
7. USE words correctly.

   NOTE: Correct any errors before submitting the report.

8. READ/PROOF the completed report.

   NOTE: Your narrative report may be the basis for any further actions concerning an incident. Be thorough and accurate!

9. COPY the report for your own records.

CONDUCTING IN-HOUSE INVESTIGATIONS

- Maintain an acceptable *pretext.*

  NOTE: Do not reveal your identity or discuss your assignment with *anyone.*

- Follow company rules, regulations, and procedures.

  NOTE: A private investigator must follow all normal procedures at the job site in order to maintain the investigator's pretext.

TM 25

CONDUCTING IN-HOUSE INVESTIGATIONS

- Avoid taking insurance plans, credit programs, or other benefits.

  NOTE: These benefits might require you to provide information about your true identity.

- Arrive at work early and leave late.

TM 26

CONDUCTING IN-HOUSE INVESTIGATIONS

- Do not miss work.

  NOTE: Be on the job every day unless you absolutely cannot avoid being absent. You might have been able to solve your client's problem on a day that you were absent.

TM 27

CONDUCTING IN-HOUSE INVESTIGATIONS

- Do your job correctly.

  NOTE: You could be fired for poor performance on the job, just like any other employee of the company. If you lose your job, your client cannot place you in a believable position to continue your investigation.

TM 28

CONDUCTING IN-HOUSE INVESTIGATIONS

- Associate with your co-workers.

  EXAMPLE: Take normal breaks with co-workers.

- Report on specific activities or operations at the job site.

  EXAMPLE: Personnel and application procedures; job instructions and tasks; theft or vandalism; supervision and management; employee activities and morale; safety and protective measures

TM 29

BENEFITS OF BLOOD ANALYSIS

- Can prove that a stain did not come from a particular person

- Can give details about the *contents* of a person's blood

  EXAMPLE: Whether the person consumed alcohol, drugs, or both

- Can provide evidence such as hair, fibers, cloth weave patterns, and fingerprint impressions

TM 30

BENEFITS OF HAIR ANALYSIS

- Could place a person at a scene
- Could place a vehicle at a scene

  EXAMPLE: Hair found on the outside and/or inside of a vehicle

- Can help identify the weapon or instrument used in a crime

  EXAMPLE: Hairs on tools, knives, and other instruments

TM 31

BENEFITS OF FIBER ANALYSIS

- Could place a person at a scene

  EXAMPLE: Fibers left at the scene or transferred from one person to another

- Could place a vehicle at a scene

  EXAMPLE: Fibers from a person's clothing left inside or outside a vehicle

- Can identify weapons or instruments used in a crime

  EXAMPLE: Fibers found in blood samples

TM 32

LIMITATIONS OF BLOOD ANALYSIS

- Cannot prove that a stain came from a particular person
- Cannot reveal the *race* of a person beyond doubt
- Cannot reveal the age of a dried stain

TM 33

LIMITATIONS OF HAIR ANALYSIS

- Involves samples that are often hard to find because they are *small* and *fine*
- Can *support* other evidence, but is not usually valuable for initially identifying a person
- Cannot reveal age

LIMITATIONS OF FIBER ANALYSIS

- Can *support* other evidence, but is not usually valuable for initially identifying a person
- Involves samples that are usually *small*, *hard to find*, and can be easily contaminated (requiring special care in handling)

TM 35

BENEFITS OF GLASS FRACTURE ANALYSIS

- Can identify individual pieces of glass

  NOTE: Many different formulas are used to make glass.

- Can show the direction from which the glass was broken

- Can show which bullet was fired first out of a number of bullets

- Can show the direction of the start of a *fire*

  NOTE: The way that a light bulb has melted can be useful during an arson investigation to identify the direction of the start of a fire.

- Can help place a person at a scene

  EXAMPLE: Fingerprints, hair, or fibers left on glass at the scene compared to those found on a person or vehicle; glass fragments found on a person's clothes

TM 36

ASSIGNMENT SHEET 1

CONDUCTING INVESTIGATIONS AND SURVEILLANCE

IV

Name ______________________________ Score __________

OBJECTIVE 27 **Prepare a written report about surveillance activities.**

INTRODUCTION

A private investigator can gather valuable information through surveillance that might not be available through other sources, such as through interviews or public records. One of the private investigator's responsibilities to clients is to prepare complete and concise written reports of surveillance activities. Such reports do not leave any aspect of the investigation open to interpretation.

DIRECTIONS

- Listen to the surveillance assignment given to you by your instructor.
- Prepare a complete written report of your surveillance. Although you should type your reports to clients, you can write the report for this Assignment Sheet on the following pages. Add extra pages if needed. Review Transparency Masters 18, 19, and 24 before writing your report.

CONDUCTING INVESTIGATIONS AND SURVEILLANCE

ASSIGNMENT SHEET 1

Evaluate the written report according to the following criteria:

- The report is written clearly and legibly.
- The report uses the first-person form.
- The report explains any necessary technical terms.
- The report uses words correctly.
- The student has arranged the information in the report logically.
- Addresses are reported and are correct.
- The standard description of persons and/or vehicles is used correctly.
- The report includes the full names of persons. (This may not be applicable.)
- Descriptions of persons and/or vehicles are indented.
- The report accounts for every minute of the surveillance.
- The report states exact times.
- The report accounts for all activities that occur during the period of the surveillance.
- The report describes activities completely.

WRITTEN TEST

CONDUCTING INVESTIGATIONS AND SURVEILLANCE

IV

Name ______________________ Score __________

OBJECTIVE 1

Match common terms associated with investigation and surveillance with their correct definitions. Write the correct letter in each blank.

a. Chain of evidence/custody
b. Forensics
c. In-house investigation
d. Pretext
e. Surveillance

______1. The number of people who handle an item of evidence from the time the evidence is collected to the time that evidence is used to close a case

______2. A type of undercover investigation used to obtain information about a subject's location and activities through close observation without that subject's knowledge

______3. Working within an organization, often under another identity or pretext, to collect information

______4. The justification of in-house investigation activities

______5. Applying scientific procedures to determine legal evidence

OBJECTIVE 2

List common types of civil and criminal investigations. List four (4) types of investigations.

1. ______________________
2. ______________________
3. ______________________
4. ______________________

OBJECTIVE 3

Distinguish among types of evidence. Write the correct term in each blank.

1. Evidence that does not directly prove a fact, but that allows a logical inference to be made (allows a conclusion to be drawn); also called circumstantial evidence

   ____

2. Evidence that replaces verbal evidence; the physical evidence that *shows* what verbal evidence *describes*

   ____

3. Evidence that proves a fact without being open to inference

   ____

OBJECTIVE 4

Match criteria for the admissibility of evidence to their correct descriptions. Write the correct letter in each blank.

a. Material
b. Relevant
c. Important
d. Competent

______1. Proving the proposition that it is offered to prove

______2. Relating to a legal question at issue in a case

______3. Not violating any of a number of "exclusionary rules," such as the hearsay rule

______4. Having enough value to outweigh other factors, such as the time needed to present the evidence, whether the evidence may distract jurors, and other factors

OBJECTIVE 5

Explain the importance of the chain of evidence in private investigations.

____

____

____

____

____

____

OBJECTIVE 6

State basic questions useful for interpreting the chain of evidence. State four (4) questions.

1. ____

2. ____

3. ______________________________

4. ______________________________

OBJECTIVE 7

State basic questions useful for assessing the scene (after the fact). State four (4) questions.

1. ______________________________
2. ______________________________
3. ______________________________
4. ______________________________

OBJECTIVE 8

Identify possible uses for sketches in private investigations. Write an "X" in the blank beside each use.

______1. Document the scene for later analysis

______2. Describe the evidence and the possible relationship between items of evidence

______3. Justify a search warrant

______4. Highlight certain parts of the scene

OBJECTIVE 9

Distinguish among methods of sketching. Write the correct term in each blank.

1. Measuring the distance of objects from fixed points such as walls and windows

   ____

2. Choosing two points, then measuring the distance from the item of evidence to each of the points; often used outdoors and where fixed points are not available

   ____

3. Showing all of the items in a scene as one-dimensional or flat; often used when most evidence is indoors

   ____

OBJECTIVE 10 **List information useful for identifying sketches.** List six (6) items.

1. ______________________________

2. ______________________________

3. ______________________________

4. ______________________________

5. ______________________________

6. ______________________________

OBJECTIVE 11 **Identify possible uses for photographs in private investigations.** Write an "X" in the blank beside each use.

______1. Provide an impartial record

______2. Determine the reliability of information provided

______3. Add to witness testimony

______4. Help jurors to reach a decision

OBJECTIVE 12 **State the factors that work together for a properly-exposed photograph.**

1. ______________________________

2. ______________________________

3. ______________________________

4. ______________________________

OBJECTIVE 13 **State basic guidelines useful for reconstructing a scene.** State four (4) guidelines.

1. ______________________________

____

2. ______________________________

____

3. ______________________________

____

4. ____

____

OBJECTIVE 14

Select from a list basic guidelines for conducting a surveillance. Write an "X" in the blank beside each guideline.

______1. Have a complete description of the person(s) under surveillance before you begin.

______2. Choose the right location.

______3. Assume the role of a law enforcement officer.

______4. Avoid drawing attention by your actions, choice of clothes, vehicle, or driving habits.

______5. Enter onto private property as needed.

______6. Record your observations.

______7. End the surveillance at the right time.

OBJECTIVE 15

Select from a list basic guidelines for using recording devices. Write an "X" in the blank beside each guideline.

______1. Record conversations legally.

______2. Never inform the other person of your plan to record a conversation.

______3. Copy recordings onto paper.

OBJECTIVE 16

Select from a list basic guidelines for videotaping. Write an "X" in the blank beside each guideline.

______1. Use your equipment correctly.

______2. Verify the subject's activities.

______3. Avoid directly identifying the subject on videotape.

______4. Photograph *complete acts.*

OBJECTIVE 17

State categories of information useful for documenting film and videotape.

1. ____

2. ____

3. ______________________________

4. ______________________________

OBJECTIVE 18

Select from a list basic guidelines for writing surveillance reports. Write an "X" in the blank beside each guideline.

______1. Record only important events.

______2. Identify the full names of persons.

______3. Indent descriptions of persons and vehicles.

______4. Round-off times to the nearest 5 minutes.

______5. List correct addresses.

______6. Describe the subject's activities completely.

______7. Support written reports with film, videotape, and/or recordings as needed.

OBJECTIVE 19

Identify possible uses for in-house investigations. Write an "X" in the blank beside each use.

______1. Conduct a security check or background investigation

______2. Obtain information without the client's knowledge

______3. Determine the reliability of information provided

______4. Justify a search warrant

OBJECTIVE 20

Select from a list basic guidelines for conducting in-house investigations. Write an "X" in the blank beside each guideline.

______1. Reveal your identity to co-workers who can assist you with your investigation.

______2. Follow company rules, regulations, and procedures.

______3. Avoid taking insurance plans, credit programs, or other benefits.

______4. Arrive at work early and leave early.

______5. Do not miss work.

______6. Do your job correctly.

______7. Do not associate with your co-workers.

______8. Report on specific activities or operations at the job site.

OBJECTIVE 21

Explain the importance of fingerprints.

OBJECTIVE 22

State basic guidelines for preserving fingerprints. State two (2) guidelines.

1. ______________________________

2. ______________________________

OBJECTIVE 23

Distinguish among benefits of blood analysis, hair analysis, and fiber analysis. In each blank, write a "B" for blood analysis, an "H" for hair analysis, or an "F" for fiber analysis. If more than one answer is possible, then choose one answer.

______1. Can prove that a stain did not come from a particular person

______2. Can give details about the *contents* of a person's blood

______3. Can provide evidence such as hair, fibers, cloth weave patterns, and fingerprint impressions

______4. Could place a person at a scene

______5. Can help identify the weapon or instrument used in a crime

______6. Can identify weapons or instruments used in a crime

______7. Could place a vehicle at a scene

OBJECTIVE 24

Distinguish among limitations of blood analysis, hair analysis, and fiber analysis. In each blank, write a "B" for blood analysis, an "H" for hair analysis, or an "F" for fiber analysis. If more than one answer is possible, then choose one answer.

______1. Cannot prove that a stain came from a particular person

______2. Involves samples that are usually *small, hard to find,* and can be easily contaminated (requiring special care in handling)

______3. Cannot reveal age

______4. Cannot reveal the *race* of a person beyond doubt

______5. Involves samples that are often hard to find because they are *small* and *fine*

______6. Can *support* other evidence, but is not usually valuable for initially identifying a person

OBJECTIVE 25

List benefits of glass fracture analysis. List three (3) benefits.

1. ____

2. ____

3. ____

OBJECTIVE 26

State basic guidelines for handling broken glass. State three (3) guidelines.

1. ____

____

2. ____

____

3. ____

____

NOTICE

The Assignment Sheet in this unit is not part of the written test. If you have not completed this Assignment Sheet, check with your instructor.

WRITTEN TEST ANSWERS

CONDUCTING INVESTIGATIONS AND SURVEILLANCE *IV*

OBJECTIVE 1

1. a
2. e
3. c
4. d
5. b

OBJECTIVE 2

Any four (4) of the following:

- Locating witnesses
- Investigating insurance or worker's compensation claims
- Determining the character and reputation of a client's job applicants (pre-employment investigation)
- Conducting factory or store surveillance
- Investigating crimes from petty theft to robbery

OBJECTIVE 3

1. Indirect evidence
2. Real evidence
3. Direct evidence

OBJECTIVE 4

1. b
2. a
3. d
4. c

OBJECTIVE 5

A private investigator is rarely at the scene just after the fact. Therefore, a private investigator will often deal with evidence *that someone else has collected*. The greater the number of people who handle or who have access to collected evidence, the greater the risk that the evidence can be poorly handled. A poor chain of evidence can raise questions about the value of the evidence. It can also cause the evidence to be *inadmissible* in court. A private investigator must be able to interpret the chain of evidence.

OBJECTIVE 6

Any four (4) of the following:

- How was the evidence recorded?
- Who collected the evidence?
- How was the evidence preserved during and after collection?
- Was the container marked for a positive ID?
- Was the evidence properly packed for handling and shipping?
- Is each transfer of the evidence from one handler to another recorded in some way?

OBJECTIVE 7

Any four (4) of the following:

- Was the scene clear of unauthorized persons?
- Were any witnesses at the scene?
- Were any written statements taken at the scene?
- Was the scene recorded in some way?
- Was the chain of evidence proper?

OBJECTIVE 8

1, 2, 4

OBJECTIVE 9

1. Coordinate method
2. Triangulation method
3. Cross-projection method

OBJECTIVE 10

Any six (6) of the following:

- Name and physical position of the person making the sketch
- Date/time/location

- Type of incident
- Case number
- Reference points (or compass bearings)
- Scale of items
- Legend of symbols or numbers
- Names of other persons involved

OBJECTIVE 11 1, 3, 4

OBJECTIVE 12 In any order:

1. Amount of light
2. Size of lens opening
3. Shutter speed
4. Film speed

OBJECTIVE 13 Any four (4) of the following:

- Determine the *original* condition of the scene or details of the incident.
- Collect *new* information.
- Create large-scale drawings that cover many angles.
- Support your theory of how the accident or incident occurred.
- Prepare a complete written report of your investigation and conclusions.

OBJECTIVE 14 1, 2, 4, 6, 7

OBJECTIVE 15 1, 3

OBJECTIVE 16 1, 2, 4

OBJECTIVE 17

In any order:

1. Subject information
2. Camera ID
3. Film ID
4. Surveillance information

OBJECTIVE 18

2, 3, 5, 6, 7

OBJECTIVE 19

1, 3, 4

OBJECTIVE 20

2, 3, 5, 6, 8

OBJECTIVE 21

Fingerprints are important because they provide unique records that are *never* identical, make skin deformities or surgery easily visible, and cannot be successfully forged.

OBJECTIVE 22

Any two (2) of the following:

- Avoid touching any item that might contain fingerprints.
- Preserve items containing fingerprints in a well-packaged container.
- Send fingerprints to a laboratory for analysis.

OBJECTIVE 23

1. B
2. B
3. B
4. H or F
5. H
6. F
7. H or F

OBJECTIVE 24

1. B
2. F
3. H
4. B
5. H
6. H or F

OBJECTIVE 25

Any three (3) of the following:

- Can identify individual pieces of glass
- Can show the direction from which the glass was broken
- Can show which bullet was fired first out of a number of bullets
- Can show the direction of the start of a *fire*
- Can help place a person at a scene

OBJECTIVE 26

Any three (3) of the following:

- Immediately photograph the broken glass.
- Handle glass fragments by their edges with gloves.
- Package glass fragments from different positions separately.
- Package glass in rigid containers to prevent breakage.
- Label the contents of each container *on the container.*
- Send the glass to a laboratory for analysis.

NOTICE

The Assignment Sheet in this unit is not part of the written test.

OBJECTIVE SHEET

LOCATING AND COMMUNICATING INFORMATION *V*

INTRODUCTION

As a private investigator, you must locate and communicate information for your clients every day. Your success as a private investigator will depend to a certain extent on how well you use different sources of information. You may communicate the results of your investigations in reports to your clients or in court appearances.

UNIT OBJECTIVE

After completing this unit, you will be familiar with guidelines for locating and communicating information for private investigations. This ability will be evidenced by completing assignment sheets and by scoring an eighty-five percent (85%) on the written test.

SPECIFIC OBJECTIVES

After completing this unit, you will be able to

1. Select from a list the exceptions to the rule for copying records under the Oklahoma Open Records Act.
2. Select from a list examples of law enforcement records available for public inspection under the Oklahoma Open Records Act.
3. Select from a list duties of public bodies in providing access to records under the Oklahoma Open Records Act.
4. List frequently-used sources of public record information.
5. List the types of government offices where public records are available.
6. State possible limitations on access to public records.
7. Select from a list basic guidelines for communicating with people.
8. Select from a list basic guidelines for communicating by telephone.
9. Select from a list basic guidelines for conducting a personal interview.
10. Select from a list basic guidelines for conducting a telephone interview.
11. Select from a list basic guidelines for appearing in court.
12. State uses of written reports in private investigations.
13. State basic guidelines for locating information.

SUGGESTED ACTIVITIES

LOCATING AND COMMUNICATING INFORMATION V

PREPARATION

1. Supplement this unit with additional resources.
2. Review the unit and plan your presentation.
   a. Estimate the amount of material that can be covered in each class session.
   b. Plan for appropriate Assignment Sheets.
   c. Identify objectives that you can supplement with other resources.
   d. Invite guest speakers in advance.
3. Design transparencies and handouts to reinforce the objectives in each unit, to provide additional information, or to facilitate in-class activities.
4. Make students aware of the licensing examination to be administered by CLEET. Refer to the *Oklahoma Private Security Rules and Regulations*.

DELIVERY

Objective 1

- Show TM 1-3.
- Compare the Oklahoma Open Records Act with the federal Freedom of Information Act.
- Give examples of each exception.

Objective 2

- Show TM 4-7.
- Explain how a private investigator could use the records listed. Describe scenarios where such records could assist the private investigator.

Objective 3

- Show TM 8-9.
- Give examples of possible fees, types of access, and procedures that the private investigator may encounter.

Objective 4-6

- Show TM 10-13.

- Explain how a private investigator could use the records listed. Describe scenarios where such records could assist the private investigator.

- Plan a visit to local government offices. (Be sure to contact the office in advance.) Invite a representative of the office to discuss public records.

Objective 7

- Show TM 14-15.

- Discuss or give examples of ways in which body language and tone of voice affect communication, in positive and negative ways.

- Discuss the importance of business letters to a successful private investigator (individual or agency). Review the basic types of business letters (block, modified block, modified block with paragraph indentions). Have students write sample business letters. Evaluate letters on how effectively each letter communicates the required information (that you provide).

- "Quiz" students on their listening skills through these and other exercises:

    - Plan for someone to interrupt your class in some minor way, such as to ask whether a particular person is present, to ask whether the room is the correct room, to bring a note to you, etc. Ask the class questions a few minutes later about the person's appearance, what the person said, etc.

    - Have pairs of students tell each other some details about themselves, such as name, place of employment, size of family, etc. Ask each student to restate to the class the details given by the student's partner.

Objective 8

- Show TM 16-17.

- Discuss other techniques for using the telephone effectively, such as:
    - being a good listener
    - taking accurate messages
    - being tactful
    - responding tactfully
    - when (and when not) to put a caller on "hold" or to transfer a caller
    - ending telephone conversations politely
- Record sample 2-way telephone conversations before class. Record a "good" example and a "poor" example. Play your recordings to the class and discuss them as a group.

Objective 9-10

- Show TM 18-22.
- Give examples of occasions when a private investigator would conduct an interview.
- Create role-plays using pairs of students. One student is the "private investigator" and the other student is the person being interviewed. Provide the investigator with the purpose of the interview, and provide the other person with some general information for responding to the investigator's questions. Record the interviews and discuss them as a group.
- Discuss the value of face-to-face contact in a personal interview.

Objective 11

- Show TM 23.
- Give examples of possible situations involving a private investigator appearing in court.
- Discuss the importance of each guideline.

Objective 12

- Show TM 24.
- Give examples of ways that private investigators use written reports. Refer to Unit I of this Phase 3 training program.
- Review guidelines for written reports from Unit V of the Phase 1 training program.

Objective 13

- Show TM 25-27.
- Explain the importance of each guideline.
- Plan a visit to a local library. (Be sure to contact the library in advance.) Invite a representative of the library to discuss the information/services available, and how to use them.
- Give examples of public record and private sources of information that could assist a private investigator. Explain how each source could provide needed information.

EVALUATION

- Give the Written Test soon after presenting the unit, *but not earlier than the next class session.*
- Remind students throughout your presentation that the questions and required performance on each Written Test match the Specific Objectives stated at the beginning of the unit and the objectives discussed in the unit.

  NOTE: Explain that the questions on the Written Test are *not* multiple-choice.
- Review individual and group performance in order to evaluate teaching methods. Adjust your approach as needed.

REFERENCES

No references.

INFORMATION SHEET

LOCATING AND COMMUNICATING INFORMATION *V*

OBJECTIVE 1

Select from a list the exceptions to the rule for copying records under the Oklahoma Open Records Act.

NOTE: With the following exceptions, the Oklahoma Open Records Act allows you to inspect or copy the records of public bodies and public officials during regular business hours.

- Confidential records under the Act

  EXAMPLE: Records not discoverable under state law; records protected by a state evidentiary privilege; records of the meetings of a public body lawfully closed to the public.

- Exempt parts of a record

  NOTE: You can inspect or copy the records *except* for the exempt parts of the record.

- Records on persons, whom you have not identified by name, in the driver license file of the Department of Public Safety

- The land description tract index of all recorded instruments concerning real property, for the purpose of sale

OBJECTIVE 2

Select from a list examples of law enforcement records available for public inspection under the Oklahoma Open Records Act.

NOTE: As defined in the Oklahoma Open Records Act, law enforcement agencies include (but are not limited to) police departments, county sheriffs, the Department of Public Safety, the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, and the Oklahoma State Bureau of Investigation.

- Arrest data

  EXAMPLE: Cause of arrest; name of arresting officer; the name and address, date of birth, race, sex, physical description, and occupation of the person arrested.

- Chronological list of incidents, including information from the initial offense report

  EXAMPLE: Information from the initial offense report, such as the offense; date and time; general location; the officers present; and a brief summary of the events.

- A crime summary

  NOTE: The crime summary includes a departmental summary of crimes reported and public calls for service by (1) classification or (2) nature and number.

- Conviction information

  NOTE: Conviction information includes the name of any person convicted of a criminal offense.

- Disposition (settlement) of all warrants

  NOTE: This includes signed orders from a judge of any court commanding a law enforcement officer to arrest a particular person.

- Jail registers

  EXAMPLE: Jail blotter data; jail booking information showing the name of each prisoner, the date and cause of incarceration, the authority committing the prisoner, whether the person is committed for a criminal offense, a description of the prisoner, and the date or manner of the prisoner's discharge or escape.

- Radio logs

  NOTE: This includes a chronological listing of the calls dispatched.

OBJECTIVE 3 **Select from a list duties of public bodies in providing access to records under the Oklahoma Open Records Act.**

- Post a written schedule of fees, if appropriate, at its principal office and with the county clerk

- Provide prompt and reasonable access to its records

  NOTE: The public body can establish "reasonable" procedures to protect the integrity and the organization of its records, and to prevent excessive disruptions of its essential functions.

- Designate persons authorized to release records

  NOTE: At least one person must be available at all times during regular business hours.

OBJECTIVE 4 **List frequently-used sources of public record information.**

- Business licensing authorities
- City utilities
- Corporation Commission
- Driving records
- Marriage/divorce records
- Newspapers
- Occupational licensing authorities
- Real estate holdings
- School student directories
- Tax records (personal and property)
- Uniform Commercial Code or Financing Statement

  NOTE: The Uniform Commercial Code filings will identify the name(s) of the debtor, the loaner or the secured parties involved, and the collateral used to secure the debt.

- Vehicle registration
- Voter registration

  NOTE: A voter registration record will also provide a complete personal identification of the registered voter, giving the person's full name, date of birth, social security number, address, and personal description.

- Worker's Compensation Court records

OBJECTIVE 5 **List the types of government offices where public records are available.**

- City government offices
- County government offices
- State government offices
- Federal government offices

OBJECTIVE 6

State possible limitations on access to public records.

- Regulations dealing with access to public records (county, state, and/or federal)
- Type of access

IMPORTANT: The kinds of records available will vary from one agency or county to the other. No standard practice exists for providing access to all of the kinds of public records. Visit the different offices and learn the procedures for using the public records available at each office.

OBJECTIVE 7

Select from a list basic guidelines for communicating with people.

- Be courteous.
- Be polite.
- Be a professional.

  NOTE: This guideline applies to your appearance as well as your actions.
- Speak clearly and to the point.
- Pay attention.

  NOTE: You should be able to interpret responses or observations, and draw conclusions. Know how a response could relate to other responses.
- Appreciate other opinions or points of view.
- Keep your self-control.

OBJECTIVE 8

Select from a list basic guidelines for communicating by telephone.

- Answer all calls promptly.

  IMPORTANT: Treat all calls as important. Every call is important for keeping your clients and for attracting new clients.
- Try to identify the caller.
- Take detailed notes during your conversation.

- Summarize the details of your conversation before you hang up.

- Thank the other person.

  NOTE: When you communicate with people in person, in writing, or on the telephone, you are practicing public relations.

OBJECTIVE 9

Select from a list basic guidelines for conducting a personal interview.

IMPORTANT: A personal interview gives the private investigator face-to-face contact with the other person. It allows you to observe the attitude, actions, mannerisms, and other personal traits of the person you are interviewing.

- Make an appointment for the interview.

- Be flexible with your time.

  NOTE: Let the other person decide upon the time and place of the interview, if possible.

- Be prepared to ask specific questions.

- Explain the purpose of the interview.

  IMPORTANT: Adapt to the situation. Do you want to reveal your identity to the other person?

- Control the conversation by (1) following your prepared questions, (2) keeping the other person on the defensive, and (3) asking more questions.

  NOTE: Avoid rambling conversation.

- Take detailed notes.

  NOTE: Tape recorders allow you to take notes of complete questions and answers.

- Ask questions about any responses that are not clear.

- Thank the person for the interview.

OBJECTIVE 10

Select from a list basic guidelines for conducting a telephone interview.

- Follow the guidelines for personal interviews.

- Speak clearly and to the point.

  IMPORTANT: In a telephone interview, you do not have face-to-face contact with the person you are interviewing and cannot observe the attitude, actions, mannerisms, and other personal traits of that person.

- Allow enough time for the other person to respond to your questions.
- Hang up last.

OBJECTIVE 11 **Select from a list basic guidelines for appearing in court.**

NOTE: The following guidelines are general. Follow your employer's specific policies for court appearances.

- Be neat in appearance.
- Be courteous.
- Be honest and accurate.
- Support your position with your field notes and collected evidence.

OBJECTIVE 12 **State uses of written reports in private investigations.**

- To summarize your investigation.
- To document your investigation.
- To present information in chronological order.
- To communicate important information between the private investigator and other persons involved.

IMPORTANT: Your reports may be the basis for any further action concerning a case. Follow the guidelines for writing reports in your Phase 1 book.

OBJECTIVE 13 **State basic guidelines for locating information.**

- Establish sources of information *before* you need them.

  IMPORTANT: Explore possible sources of information, keep lists of the records and information available from each source, and stay in touch with sources willing to help.

- Learn and follow established procedures for using the public records available at each office.

- Know which information you need.
- Find as much information on your own as possible.

  NOTE: Do not overlook obvious sources of information.

- Become familiar with the library and its resources.
- Use public records and private sources of information.

  EXAMPLE: Associates of the person; the Better Business Bureau; chambers of commerce; church records; clubs and associations; employers; references; directories; fraternal organizations; relatives and friends; school and college records; state departments and agencies; trade associations; your contacts and/or informants, etc.

EXCEPTIONS

- Confidential records under the Act

  EXAMPLE: Records not discoverable under state law; records protected by a state evidentiary privilege; records of the meetings of a public body lawfully closed to the public.

TM 1

EXCEPTIONS

- Exempt parts of a record

NOTE: You can inspect or copy the records *except* for the exempt parts of the record.

TM 2

EXCEPTIONS

- Records on persons, whom you have not identified by name, in the driver license file of the Department of Public Safety
- The land description tract index of all recorded instruments concerning real property, for the purpose of sale

TM 3

LAW ENFORCEMENT RECORDS

- Arrest data

  EXAMPLE: Cause of arrest; name of arresting officer; the name and address, date of birth, race, sex, physical description, and occupation of the person arrested.

- Chronological list of incidents, including information from the initial offense report

  EXAMPLE: Information from the initial offense report, such as the offense; date and time; general location; the officers present; and a brief summary of the events.

TM 4

LAW ENFORCEMENT RECORDS

- A crime summary

  NOTE: The crime summary includes a departmental summary of crimes reported and public calls for service by (1) classification or (2) nature and number.

- Conviction information

  NOTE: Conviction information includes the name of any person convicted of a criminal offense.

TM 5

LAW ENFORCEMENT RECORDS

- Disposition (settlement) of all warrants

  NOTE: This includes signed orders from a judge of any court commanding a law enforcement officer to arrest a particular person.

- Jail registers

  EXAMPLE: Jail blotter data; jail booking information showing the name of each prisoner, the date and cause of incarceration, the authority committing the prisoner, whether the person is committed for a criminal offense, a description of the prisoner, and the date or manner of the prisoner's discharge or escape.

TM 6

LAW ENFORCEMENT RECORDS

- Radio logs

  NOTE: This includes a chronological listing of the calls dispatched.

TM 7

DUTIES OF PUBLIC BODIES

- Post a written schedule of fees, if appropriate, at its principal office and with the county clerk
- Provide prompt and reasonable access to its records

NOTE: The public body can establish "reasonable" procedures to protect the integrity and the organization of its records, and to prevent excessive disruptions of its essential functions.

TM 8

DUTIES OF PUBLIC BODIES

- Designate persons authorized to release records

  NOTE: At least one person must be available at all times during regular business hours.

TM 9

SOURCES OF PUBLIC RECORD INFORMATION

Business licensing authorities

City utilities

Corporation Commission

Driving records

Marriage/divorce records

Newspapers

Occupational licensing authorities

Real estate holdings

TM 10

SOURCES OF PUBLIC RECORD INFORMATION

School student directories

Tax records (personal and property)

Uniform Commercial Code or Financing Statement

Vehicle registration

Voter registration

Worker's Compensation Court records

TM 11

TYPES OF GOVERNMENT OFFICES

City government offices

County government offices

State government offices

Federal government offices

TM 12

LIMITATIONS ON ACCESS

- Regulations dealing with access to public records (county, state, and/or federal)
- Type of access

TM 13

COMMUNICATING WITH PEOPLE

- Be courteous.
- Be polite.
- Be a professional.

NOTE: This guideline applies to your appearance as well as your actions.

TM 14

COMMUNICATING WITH PEOPLE

- Speak clearly and to the point.
- Pay attention.

  NOTE: You should be able to interpret responses or observations, and draw conclusions. Know how a response could relate to other responses.

- Appreciate other opinions or points of view.
- Keep your self-control.

TM 15

COMMUNICATING BY TELEPHONE

- Answer all calls promptly.

  IMPORTANT: Treat all calls as important. Every call is important for keeping your clients and for attracting new clients.

- Try to identify the caller.

TM 16

COMMUNICATING BY TELEPHONE

- Take detailed notes during your conversation.
- Summarize the details of your conversation before you hang up.
- Thank the other person.

NOTE: When you communicate with people in person, in writing, or on the telephone, you are practicing public relations.

TM 17

CONDUCTING A PERSONAL INTERVIEW

- Make an appointment for the interview.
- Be flexible with your time.

  NOTE: Let the other person decide upon the time and place of the interview, if possible.
- Be prepared to ask specific questions.

TM 18

CONDUCTING A PERSONAL INTERVIEW

- Explain the purpose of the interview.

  IMPORTANT: Adapt to the situation. Do you want to reveal your identity to the other person?

- Control the conversation by (1) following your prepared questions, (2) keeping the other person on the defensive, and (3) asking more questions.

  NOTE: Avoid rambling conversation.

CONDUCTING A PERSONAL INTERVIEW

- Take detailed notes.

  NOTE: Tape recorders allow you to take note of complete questions and answers.

- Ask questions about any responses that are not clear.

- Thank the person for the interview.

TM 20

CONDUCTING A TELEPHONE INTERVIEW

- Follow the guidelines for personal interviews.
- Speak clearly and to the point.

IMPORTANT: In a telephone interview, you do not have face-to-face contact with the person you are interviewing and cannot observe the attitude, actions, mannerisms, and other personal traits of that person.

TM 21

CONDUCTING A TELEPHONE INTERVIEW

- Allow enough time for the other person to respond to your questions.
- Hang up last.

TM 22

APPEARING IN COURT

- Be neat in appearance.
- Be courteous.
- Be honest and accurate.
- Support your position with your field notes and collected evidence.

TM 23

USES OF WRITTEN REPORTS

- To summarize your investigation.
- To document your investigation.
- To present information in chronological order.
- To communicate important information between the private investigator and other persons involved.

TM 24

LOCATING INFORMATION

- Establish sources of information *before* you need them.

  IMPORTANT: Explore possible sources of information, keep lists of the records and information available from each source, and stay in touch with sources willing to help.

TM 25

LOCATING INFORMATION

- Learn and follow established procedures for using the public records available at each office.
- Know which information you need.
- Find as much information on your own as possible.

NOTE: Do not overlook obvious sources of information.

TM 26

LOCATING INFORMATION

- Become familiar with the library and its resources.
- Use public records and private sources of information.

  EXAMPLE: Associates of the person; the Better Business Bureau; chambers of commerce; church records; clubs and associations; employers; references; directories; fraternal organizations; relatives and friends; school and college records; state departments and agencies; trade associations; your contacts and/or informants, etc.

TM 27

WRITTEN TEST

LOCATING AND COMMUNICATING INFORMATION

V

Name ______________________ Score __________

OBJECTIVE 1

Select from a list the exceptions to the rule for copying records under the Oklahoma Open Records Act. Write an "X" in the blank beside each exception.

______1. Confidential records under the Act

______2. Jail registers

______3. Exempt parts of a record

______4. Records on persons, whom you have not identified by name, in the driver license file of the Department of Public Safety

______5. Worker's Compensation Court records

______6. The land description tract index of all recorded instruments concerning real property, for the purpose of sale

OBJECTIVE 2

Select from a list examples of law enforcement records available for public inspection under the Oklahoma Open Records Act. Write an "X" in the blank beside each example of law enforcement records.

______1. Uniform Commercial Code or Financing Statement

______2. Arrest data

______3. Chronological list of incidents, including information from the initial offense report

______4. A crime summary

______5. Conviction information

______6. The land description tract index of all recorded instruments concerning real property, for the purpose of sale

______7. Disposition (settlement) of all warrants

______8. Jail registers

______9. Radio logs

OBJECTIVE 3 **Select from a list duties of public bodies in providing access to records under the Oklahoma Open Records Act.** Write an "X" in the blank beside each duty.

______1. Post a written schedule of fees, if appropriate, at its principal office and with the county clerk

______2. Provide copies of records free of charge

______3. Provide prompt and reasonable access to its records

______4. Designate persons authorized to release records

OBJECTIVE 4 **List frequently-used sources of public record information.** List eight (8) sources.

1. ______________________________
2. ______________________________
3. ______________________________
4. ______________________________
5. ______________________________
6. ______________________________
7. ______________________________
8. ______________________________

OBJECTIVE 5 **List the types of government offices where public records are available.**

1. ______________________________
2. ______________________________
3. ______________________________
4. ______________________________

OBJECTIVE 6 **State possible limitations on access to public records.**

1. ______________________________
2. ______________________________

OBJECTIVE 7

Select from a list basic guidelines for communicating with people. Write an "X" beside each guideline.

______1. Be courteous.

______2. Always reveal your identity.

______3. Allow others to direct the conversation.

______4. Be a professional.

______5. Avoid asking direct questions.

______6. Pay attention.

______7. Appreciate other opinions or points of view.

______8. Keep your self-control.

OBJECTIVE 8

Select from a list basic guidelines for communicating by telephone. Write an "X" in the blank beside each guideline.

______1. Answer all calls promptly.

______2. Record every call.

______3. Try to identify the caller.

______4. Take detailed notes during your conversation.

______5. Summarize the details of your conversation before you hang up.

______6. Always hang up first.

OBJECTIVE 9

Select from a list basic guidelines for conducting a personal interview. Write an "X" in the blank beside each guideline.

______1. Make an appointment for the interview.

______2. Reveal your identity.

______3. Be flexible with your time.

______4. Be prepared to ask specific questions.

______5. Let the conversation "ramble."

______6. Take detailed notes.

______7. Ask questions about any responses that are not clear.

OBJECTIVE 10

Select from a list basic guidelines for conducting a telephone interview. Write an "X" in the blank beside each guideline.

______1. Follow the guidelines for personal interviews.

______2. Reveal your identity.

______3. Speak clearly and to the point.

______4. Allow enough time for the other person to respond to your questions.

______5. Hang up first.

OBJECTIVE 11

Select from a list basic guidelines for appearing in court. Write an "X" in the blank beside each guideline.

______1. Be neat in appearance.

______2. Be courteous.

______3. Avoid giving direct answers to questions.

______4. Support your position with your field notes and collected evidence.

OBJECTIVE 12

State uses of written reports in private investigations. State three (3) uses.

1. ____

2. ____

3. ____

OBJECTIVE 13

State basic guidelines for locating information. State four (4) guidelines.

1. ____

2. ____

3. ____

4. ____

WRITTEN TEST ANSWERS

LOCATING AND COMMUNICATING INFORMATION V

OBJECTIVE 1 1, 3, 4, 6

OBJECTIVE 2 2, 3, 4, 5, 7, 8, 9

OBJECTIVE 3 1, 3, 4

OBJECTIVE 4 Any eight (8) of the following:

- Business licensing authorities
- City utilities
- Corporation Commission
- Driving records
- Marriage/divorce records
- Newspapers
- Occupational licensing authorities
- Real estate holdings
- School student directories
- Tax records (personal and property)
- Uniform Commercial Code or Financing Statement
- Vehicle registration
- Voter registration
- Worker's Compensation Court records

OBJECTIVE 5 In any order:

- City government offices
- County government offices
- State government offices
- Federal government offices

OBJECTIVE 6

In any order:

- Regulations dealing with access to public records (county, state, and/or federal)
- Type of access

OBJECTIVE 7

1, 4, 6, 7, 8

OBJECTIVE 8

1, 3, 4, 5

OBJECTIVE 9

1, 3, 4, 6, 7

OBJECTIVE 10

1, 3, 4

OBJECTIVE 11

1, 2, 4

OBJECTIVE 12

Any three (3) of the following:

- To summarize your investigation.
- To document your investigation.
- To present information in chronological order.
- To communicate important information between the private investigator and other persons involved.

OBJECTIVE 13

Any four (4) of the following:

- Establish sources of information *before* you need them.
- Learn and follow established procedures for using the public records available at each office.
- Know which information you need.
- Find as much information on your own as possible.
- Become familiar with the library and its resources.
- Use public records and private sources of information.